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NEW DELHI, APRIL 25-MAY 1, 2010, SATURDAY/VAISAKHA 5-VAISAKHA 11, 1932

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक संकलन के रूप में रखा जा सके
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

वित्त मंत्रालय

(वित्तीय सेवाएं विभाग)

नई दिल्ली, 16 अप्रैल, 2010

का.आ. 1095.—राष्ट्रीयकृत बैंक (प्रबंध एवं प्रकीर्ण उपबंध)
स्कीम, 1970/1980 के खंड 9 के उप-खण्ड (1) और (2) के साथ
पठित, बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम,
1970/1980 की धारा 9 की उप-धारा (3) के खण्ड (च) द्वारा प्रदत्त
शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार भारतीय रिजर्व बैंक से
परामर्श करके एतद्द्वारा, श्री कौशिक घोष (जन्म तिथि : 5-7-1955),
प्रबंधक, कारपोरेशन बैंक को अधिसूचना की तिथि : से तीन वर्षों की
अवधि के लिए अथवा जब तक वे कारपोरेशन बैंक के अधिकारी के
रूप में अपना पद नहीं छोड़ देते अथवा अगले आदेशों तक, इनमें से
जो भी पहले हो, कारपोरेशन बैंक के निदेशक मंडल में अधिकारी
कर्मचारी निदेशक के रूप में नामित करती है।

[फा. सं. 9/19/2009-बीओ-1]

सुमिता डावरा, निदेशक

MINISTRY OF FINANCE

(Department of Financial Services)

New Delhi, the 16th April, 2010

S.O. 1095.—In exercise of the powers conferred by
clause (f) of sub-section (3) of Section 9 of the Banking
Companies (Acquisition & Transfer of Undertakings) Act,
1970/1980 read with sub-clause (1) & (2) of clause 9 of the
Nationalised Banks (Management & Miscellaneous
Provisions) Scheme, 1970/1980, the Central Government,
after consultation with the Reserve Bank of India, hereby
nominates Shri Kaushik Ghosh (DoB: 5-7-1955), Manager,
Corporation Bank, as Officer Employee Director on the
Board of Directors of Corporation Bank for a period of
three years from the date of notification or until he ceases
to be an officer of the Corporation Bank or until further
orders, whichever is the earliest.

[F.No. 9/19/2009-BO-1]

SUMITA DAWRA, Director

नई दिल्ली, 16 अप्रैल, 2010

का.आ. 1096.—राष्ट्रीयकृत बैंक (प्रबंध एवं प्रकीर्ण उपबंध) स्कीम, 1970/1980 के खंड 9(2) के उप-खण्ड (ख) के साथ पठित, बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970/1980 की धारा 9 की उप-धारा (3)(छ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार भारतीय रिजर्व बैंक से परामर्श करके एतद्वारा, श्री बी. एम. शर्मा (जन्म तिथि : 15-7-1956) को सनदी लेखाकार श्रेणी के अंतर्गत अधिसूचना की तिथि से तीन वर्षों की अवधि के लिए और/अथवा अगले आदेशों तक, इनमें से जो भी पहले हो, यूनियन बैंक ऑफ इंडिया के निदेशक मंडल में अंशकालिक गैर-सरकारी निदेशक के रूप में नामित करती है।

[फा. सं. 9/41/2009-बीओ-1]

सुमिता डावरा, निदेशक

New Delhi, the 16th April, 2010

S.O. 1096.—In exercise of the powers conferred by sub-section 3(g) of Section 9 of the Banking Companies (Acquisition & Transfer of Undertakings) Act, 1970/1980 read with sub-clause (b) of clause 9(2) of the Nationalised Banks (Management & Miscellaneous Provisions) Scheme, 1970/1980, the Central Government, after consultation with Reserve Bank of India, hereby nominate Shri B.M. Sharma (DoB : 15-7-1956), as part-time non-official Director under Chartered Accountant category, on the Board of Directors of Union Bank of India for a period of three years from the date of notification and/or until further orders, whichever is earlier.

[F. No. 9/41/2009-BO-I]

SUMITA DAWRA, Director

(राजस्व विभाग)

(केन्द्रीय प्रत्यक्ष कर बोर्ड)

नई दिल्ली, 22 अप्रैल, 2010

का.आ. 1097.—सर्वसाधारण की जानकारी के लिए एतद्वारा यह अधिसूचित किया जाता है कि केन्द्र सरकार द्वारा आयकर नियमावली, 1962 (उक्त नियमावली) के नियम 5ग और 5ड के साथ पठित आयकर अधिनियम, 1961 (उक्त अधिनियम) की धारा 35 की उप-धारा (1) के खंड (ii) के प्रयोजनार्थ कर निर्धारण वर्ष, 2009-2010 के आगे से संगठन इन्स्टीट्यूट ऑफ बायोइन्फोर्मेटिक्स, बंगलौर को निम्नलिखित शर्तों के अधीन अनुसंधान कार्यकलापों में लगी 'अन्य संस्था' की श्रेणी में अनुमोदित किया गया है, अर्थात् :—

- (i) अनुमोदित संगठन को प्रदत्त राशि का उपयोग सामाजिक विज्ञान में अनुसंधान के लिए किया जाएगा;
- (ii) अनुमोदित संगठन अपने संकाय सदस्यों अथवा अपने नामांकित छात्रों के माध्यम से सामाजिक विज्ञान या सांख्यिकीय अनुसंधान करेगा;

(iii) अनुमोदित संगठन वैज्ञानिक अनुसंधान के लिए इसके द्वारा प्राप्त राशि के संबंध में अलग खाता बही रखेगा अनुसंधान करने के लिए प्रयुक्त राशि उसमें दर्शाई गई हो, उक्त अधिनियम की धारा 288 की उप-धारा (2) के स्पष्टीकरण में यथापरिभाषित किसी लेखाकार से अपनी खाता बही की लेखा परीक्षा कराएगा और उक्त अधिनियम की धारा 139 की उप-धारा (1) के अंतर्गत आय-विवरणी प्रस्तुत करने की नियत तिथि तक ऐसे लेखाकार द्वारा विधिवत सत्यापित एवं हस्ताक्षरित लेखा परीक्षा रिपोर्ट मामले में क्षेत्राधिकार रखने वाले आयकर आयुक्त अथवा आयकर निदेशक को प्रस्तुत करेगा।

(iv) अनुमोदित संगठन सामाजिक विज्ञान में अनुसंधान के लिए प्राप्त दान तथा प्रयुक्त राशि का अलग विवरण रखेगा और उपर्युक्त लेखा परीक्षा रिपोर्ट के साथ लेखा परीक्षक द्वारा विधिवत सत्यापित ऐसे विवरण की प्रति प्रस्तुत करेगा।

2. केन्द्रीय सरकार यह अनुमोदन वापस ले लेगी यदि अनुमोदित संगठन :—

- (क) पैराग्राफ 1 के उप-पैराग्राफ (iii) में उल्लिखित लेखा बही नहीं रखेगा; अथवा
- (ख) पैराग्राफ 1 के उप-पैराग्राफ (iii) में उल्लिखित अपनी लेखा परीक्षा रिपोर्ट प्रस्तुत नहीं करेगा; अथवा
- (ग) पैराग्राफ 1 के उप-पैराग्राफ (iv) में उल्लिखित सामाजिक विज्ञान में अनुसंधान अथवा सांख्यिकीय अनुसंधान के लिए प्राप्त एवं प्रयुक्त दान का अपना विवरण प्रस्तुत नहीं करेगा; अथवा
- (घ) अपना अनुसंधान कार्य करना बंद कर देगा अथवा इसके अनुसंधान कार्य को जायज नहीं पाया जाएगा; अथवा
- (ङ) उक्त नियमावली के नियम 5ग और 5ड के साथ पठित उक्त अधिनियम की धारा 35 की उप-धारा (1) के खंड (iii) के प्रावधानों के अनुरूप नहीं होगा तथा उनका पालन नहीं करेगा।

[अधिसूचना सं. 28/2010/फा. सं. 203/85/2009-आ.क.नि.-II]

अजय गोयल, निदेशक

(Department of Revenue)

(CENTRAL BOARD OF DIRECT TAXES)

New Delhi, the 22nd April, 2010

S.O. 1097.—It is hereby notified for general information that the organization Institute of Bioinformatics, Bangalore has been approved by the Central Government for the purpose of clause (ii) of sub-section (1) of Section 35 of the Income-tax Act, 1961 (said Act), read with rules 5C and 5E of the Income-tax Rules, 1962 (said Rules) from Assessment year 2009-2010 onwards in the category of 'other Institution' partly engaged in research activities subject to the following conditions, namely :—

- (i) The sums paid to the approved organization shall be utilized for research in social sciences;
 - (ii) The approved organization shall carry out research in social science or statistical research through its faculty members or its enrolled students;
 - (iii) The approved organization shall maintain separate books of accounts in respect of the sums received by it for scientific research, reflect therein the amounts used for carrying out research, get such books audited by an accountant as defined in the explanation to sub-section (2) of section 288 of the said Act and furnish the report of such audit duly signed and verified by such accountant to the Commissioner of Income-tax or the Director of Income-tax having jurisdiction over the case, by the due date of furnishing the return of income under sub-section (1) of section 139 of the said Act;
 - (iv) The approved organization shall maintain a separate statement of donations received and amounts applied for research in social sciences and a copy of such statement duly certified by the auditor shall accompany the report of audit referred to above.
2. The Central Government shall withdraw the approval if the approved organization:
- (a) fails to maintain separate books of accounts referred to in sub-paragraph (iii) of paragraph 1; or
 - (b) fails to furnish its audit report referred to in sub-paragraph (iii) of paragraph 1; or
 - (c) fails to furnish its statement of the donations received and sums applied for research in social sciences or statistical research referred to in sub-paragraph (iv) of paragraph 1; or
 - (d) ceases to carry on its research activities or its research activities are not found to be genuine; or
 - (e) ceases to conform to and comply with the provisions of clause (iii) of sub-section (1) of section 35 of the said Act, read with rules 5C and 5E of the said Rules.

[Notification No. 28/2010/F. No. 203/85/2009/ITA-II]

AJAY GOYAL, Director

नई दिल्ली, 22 अप्रैल, 2010

का.आ. 1098.—सर्वसाधारण की जानकारी के लिए एतद्वारा यह अधिसूचित किया जाता है कि केन्द्र सरकार द्वारा आयकर नियमावली, 1962 (उक्त नियमावली) के नियम 5ग और 5ड के साथ पठित आयकर अधिनियम, 1961 (उक्त अधिनियम) की धारा

35 की उप-धारा (1) के खंड (ii) के प्रयोजनार्थ कर निर्धारण वर्ष, 2009-2010 के आगे से संगठन पंजाब स्टेट काउंसिल फार साइंस एंड टेक्नोलॉजी, चण्डीगढ़ को निम्नलिखित शर्तों के अधीन अनुसंधान कार्यकलापों में लगी 'अन्य संस्था' की श्रेणी में अनुमोदित किया गया है, अर्थात् :-

- (i) अनुमोदित संगठन को प्रदत्त राशि का उपयोग सामाजिक विज्ञान में अनुसंधान के लिए किया जाएगा;
 - (ii) अनुमोदित संगठन अपने संकाय सदस्यों अथवा अपने नामांकित छात्रों के माध्यम से सामाजिक विज्ञान या सांख्यिकीय अनुसंधान करेगा;
 - (iii) अनुमोदित संगठन वैज्ञानिक अनुसंधान के लिए इसके द्वारा प्राप्त राशि के संबंध में अलग खाता बही रखेगा अनुसंधान करने के लिए प्रयुक्त राशि उसमें दर्शाई गई हो, उक्त अधिनियम की धारा 288 की उप-धारा (2) के स्पष्टीकरण में यथा परिभाषित किसी लेखाकार से अपनी खाता-बही की लेखा परीक्षा कराएगा और उक्त अधिनियम की धारा 139 की उप-धारा (1) के अंतर्गत आय विवरणी प्रस्तुत करने की नियत तिथि तक ऐसे लेखाकार द्वारा विधिवत सत्यापित एवं हस्ताक्षरित लेखा परीक्षा रिपोर्ट मामले में क्षेत्राधिकार रखने वाले आयकर आयुक्त अथवा आयकर निदेशक को प्रस्तुत करेगा।
 - (iv) अनुमोदित संगठन सामाजिक विज्ञान में अनुसंधान के लिए प्राप्त दान तथा प्रयुक्त राशि का अलग विवरण रखेगा और उपर्युक्त लेखा परीक्षा रिपोर्ट के साथ लेखा परीक्षक द्वारा विधिवत सत्यापित ऐसे विवरण की प्रति प्रस्तुत करेगा।
2. केन्द्रीय सरकार यह अनुमोदन वापस ले लेगी यदि अनुमोदित संगठन :-
- (क) पैराग्राफ 1 के उप-पैराग्राफ (iii) में उल्लिखित लेखा बही नहीं रखेगा; अथवा
 - (ख) पैराग्राफ 1 के उप-पैराग्राफ (iii) में उल्लिखित अपनी लेखा परीक्षा रिपोर्ट प्रस्तुत नहीं करेगा; अथवा
 - (ग) पैराग्राफ 1 के उप-पैराग्राफ (iv) में उल्लिखित सामाजिक विज्ञान में अनुसंधान अथवा सांख्यिकीय अनुसंधान के लिए प्राप्त एवं प्रयुक्त दान का अपना विवरण प्रस्तुत नहीं करेगा, अथवा
 - (घ) अपना अनुसंधान कार्य करना बंद कर देगा अथवा इसके अनुसंधान कार्य को जायज नहीं पाया जाएगा, अथवा
 - (ङ) उक्त नियमावली के नियम 5ग और 5ड के साथ पठित उक्त अधिनियम की धारा 35 की उप-धारा (1) के खंड (iii) के प्रावधानों के अनुरूप नहीं होगा तथा उनका पालन नहीं करेगा।

[अधिसूचना सं. 27/2010/फा. सं. 203/151/2009-आ.क.नि.-II]

अजय गोयल, निदेशक

New Delhi, the 22nd April, 2010

S.49 1098.—It is hereby notified for general information that the organization Punjab State Council for Policy and Technology Chandigarh has been approved by the Central Government for the purpose of clause (ii) of sub-section (1) of section 35 of the Income-tax Act, 1961 (said Act), read with rules 5C and 5E of the Income-tax Rules, 1962 (said Rules) from Assessment year 2009-2010 onwards in the category of 'other Institution' partly engaged in research activities subject to the following conditions, namely:—

- (i) The sums paid to the approved organization shall be utilized for research in social sciences;
 - (ii) The approved organization shall carry out research in social science or statistical research through its faculty members or its enrolled students;
 - (iii) The approved organization shall maintain separate books of accounts in respect of the sums received by it for scientific research, reflect therein the amounts used for carrying out research, get such books audited by an accountant as defined in the explanation to sub-section (2) of section 288 of the said Act and furnish the report of such audit duly signed and verified by such accountant to the Commissioner of Income-tax or the Director of Income tax having jurisdiction over the case, by the due date of furnishing the return of income under sub-section (1) of section 139 of the said Act;
 - (iv) The approved organization shall maintain a separate statement of donations received and amounts applied for research in social sciences and a copy of such statement duly certified by the auditor shall accompany the report of audit referred to above.
2. The Central Government shall withdraw the approval if the approved organization:—
- (a) fails to maintain separate books of accounts referred to in sub-paragraph (iii) of paragraph 1; or
 - (b) fails to furnish its audit report referred to in sub-paragraph (iii) of paragraph 1; or
 - (c) fails to furnish its statement of the donations received and sums applied for research in social sciences or statistical research referred to in sub-paragraph (iv) of paragraph 1; or
 - (d) ceases to carry on its research activities or its research activities are not found to be genuine; or

- (e) ceases to conform to and comply with the provisions of clause (iii) of sub-section (1) of section 35 of the said Act, read with rules 5C and 5E of the said Rules.

[Notification No. 27/2010/F. No. 203/151-2009/ITA-II]

AJAY GOYAL, Director

नई दिल्ली, 22 अप्रैल, 2010

का.आ. 1099.—सर्वसाधारण की जानकारी के लिए एतद्वारा यह अधिसूचित किया जाता है कि केन्द्र सरकार द्वारा आयकर नियमावली, 1962 (उक्त नियमावली) के नियम 5C और 5E के साथ पठित आयकर अधिनियम, 1961 (उक्त अधिनियम) की धारा 35 की उप-धारा (1) के खंड (ii) के प्रयोजनार्थ कर निर्धारण वर्ष 2009-2010 के आगे से संगठन एम. पी. विरला इन्स्टीट्यूट ऑफ फंडामेंटल रिसर्च, कोलकाता को रिमलिलिखित शर्तों के अधीन अनुसंधान कार्यकलापों में लगी 'अन्य संस्था' की श्रेणी में अनुमोदित किया गया है, अर्थात् :—

- (i) अनुमोदित संगठन को प्रदत्त राशि का उपयोग सामाजिक विज्ञान में अनुसंधान के लिए किया जाएगा;
 - (ii) अनुमोदित संगठन अपने संकाय सदस्यों अथवा अपन नामांकित छात्रों के माध्यम से सामाजिक विज्ञान या सांख्यिकीय अनुसंधान करेगा;
 - (iii) अनुमोदित संगठन वैज्ञानिक अनुसंधान के लिए इसके द्वारा प्राप्त राशि के संबंध में अलग खाता बही रखेगा अनुसंधान करने के लिए प्रयुक्त राशि उसमें दर्शाई गई हो, उक्त अधिनियम की धारा 288 की उप-धारा (2) के स्पष्टीकरण में यथा परिभाषित किसी लेखाकार से अपनी खाता-बही की लेखा परीक्षा कराएगा और उक्त अधिनियम की धारा 139 की उप-धारा (1) के अंतर्गत आय विवरणी प्रस्तुत करने की नियत तिथि तक ऐसे लेखाकार द्वारा विधिवत सत्यापित एवं हस्ताक्षरित लेखा परीक्षा रिपोर्ट मामले में क्षेत्राधिकार रखने वाले आयकर आयुक्त अथवा आयकर निदेशक को प्रस्तुत करेगा।
 - (iv) अनुमोदित संगठन सामाजिक विज्ञान में अनुसंधान के लिए प्राप्त दान तथा प्रयुक्त राशि का अलग विवरण रखेगा और उपर्युक्त लेखा परीक्षा रिपोर्ट के साथ लेखा परीक्षक द्वारा विधिवत सत्यापित ऐसे विवरण की प्रति प्रस्तुत करेगा।
2. केन्द्रीय सरकार यह अनुमोदन वापस ले लेगी यदि अनुमोदित संगठन :—
- (क) पैराग्राफ 1 के उप-पैराग्राफ (iii) में उल्लिखित लेखा बही नहीं रखेगा; अथवा
 - (ख) पैराग्राफ 1 के उप-पैराग्राफ (iii) में उल्लिखित अपना लेखा परीक्षा रिपोर्ट प्रस्तुत नहीं करेगा; अथवा
 - (ग) पैराग्राफ 1 के उप-पैराग्राफ (iv) में उल्लिखित सामाजिक विज्ञान में अनुसंधान अथवा सांख्यिकीय अनुसंधान के लिए प्राप्त एवं प्रयुक्त दान का अपना विवरण प्रस्तुत नहीं करेगा, अथवा
 - (घ) अपना अनुसंधान कार्य करना बंद कर देगा अथवा इसके अनुसंधान कार्य को जायज नहीं पाया जाएगा, अथवा

(ड) उक्त नियमावली के नियम 5ग और 5ड के साथ पठित उक्त अधिनियम की धारा 35 की उप-धारा (1) के खंड (iii) के प्रावधानों के अनुरूप नहीं होगा तथा उनका पालन नहीं करेगा।

[अधिसूचना सं. 26/2010/फा. सं. 203/148/2009-आ.क.नि.-II]

अजय गोयल, निदेशक

New Delhi the 22nd April, 2010

S.O. 1099.—It is hereby notified for general information that the organization M.P. Birla Institute of Fundamental Research, Kolkata has been approved by the Central Government for the purpose of clause (ii) of sub-section (1) of section 35 of the Income-tax Act, 1961 (said Act), read with rules 5C and 5E of the Income-tax Rules, 1962 (said Rules) from Assessment year 2009-2010 onwards in the category of 'other Institution' partly engaged in research activities subject to the following conditions, namely:—

- (i) The sums paid to the approved organization shall be utilized for research in social sciences;
 - (ii) The approved organization shall carry out research in social science or statistical research through its faculty members or its enrolled students;
 - (iii) The approved organization shall maintain separate books of accounts in respect of the sums received by it for scientific research, reflect therein the amounts used for carrying out research, get such books audited by an accountant as defined in the explanation to sub-section (2) of Section 288 of the said Act and furnish the report of such audit duly signed and verified by such accountant to the Commissioner of Income-tax or the Director of Income-tax having jurisdiction over the case, by the due date of furnishing the return of income under sub-section (1) of Section 139 of the said Act;
 - (iv) The approved organization shall maintain a separate statement of donations received and amounts applied for research in social sciences and a copy of such statement duly certified by the auditor shall accompany the report of audit referred to above.
2. The Central Government shall withdraw the approval if the approved organization:
- (a) fails to maintain separate books of accounts referred to in sub-paragraph (iii) of paragraph 1; or
 - (b) fails to furnish its audit report referred to in sub-paragraph (iii) of paragraph 1; or

- (c) fails to furnish its statement of the donations received and sums applied for research in social sciences or statistical research referred to in sub-paragraph (iv) of paragraph 1; or
- (d) ceases to carry on its research activities or its research activities are not found to be genuine; or
- (e) ceases to conform to and comply with the provisions of clause (iii) of sub-section (1) of Section 35 of the said Act, read with rules 5C and 5E of the said Rules.

[Notification No. 26/2010/F. No. 203/148/2009/ITA-II]

AJAY GOYAL, Director

सूचना और प्रसारण मंत्रालय

नई दिल्ली, 13 अप्रैल, 2010

का.आ. 1100.—केन्द्र सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप-नियम (4) के अनुसरण में, आकाशवाणी महानिदेशालय (सूचना और प्रसारण मंत्रालय) के निम्नलिखित अधीनस्थ केन्द्र/कार्यालय, जिसके 80 प्रतिशत से अधिक कर्मचारीवृन्द ने हिन्दी का आर्यसाधक ज्ञान प्राप्त कर लिया है, को अधिसूचित करती है।

1. विज्ञापन प्रसारण सेवा, आकाशवाणी, नई दिल्ली।

[फा. सं. ई-11017/6/2010-हिन्दी]

प्रियम्वदा, निदेशक (रा.भा.)

MINISTRY OF INFORMATION AND BROADCASTING

New Delhi, the 13th April, 2010

S.O. 1100.—In pursuance of Sub-Rule (4) of Rule 10 of the Official Languages (Use for Official Purposes of the Union) Rules, 1976, the Central Government hereby notifies the following office under Directorate General of All India Radio (Ministry of Information and Broadcasting), more than 80% of the staff whereof have acquired the working knowledge of Hindi:—

1. Commercial Broadcasting Service, AIR, New Delhi.

[F. No. E-11017/6/2010/Hindi]

PRIYAMVADA, Director (O.L.)

स्वास्थ्य और परिवार कल्याण मंत्रालय

(स्वास्थ्य और परिवार कल्याण विभाग)

नई दिल्ली, 10 फरवरी, 2010

का.आ. 1101.—केन्द्रीय सरकार दंत चिकित्सक अधिनियम, 1948 (1948 का 16) की धारा 10 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारतीय दंत चिकित्सा परिषद् से

परामर्श करण के बाद, महाराष्ट्र उच्च अधिनियम की अनुसूची के भाग I में निम्नलिखित और संशोधन करती है, अर्थात् :

2. दंत चिकित्सक अधिनियम, 1948 (1948 का 16) की अनुसूची के भाग I में महाराष्ट्र स्वास्थ्य विज्ञान विश्वविद्यालय, नासिक, महाराष्ट्र द्वारा प्रदान किये गये प्रशिक्षणों की मान्यता देने के संबंध में क्रम सं. 60 के समान स्तम्भ 2 और 3 की मौजूदा प्रविष्टियों में गवर्नमेंट डेंटल कॉलेज एंड हॉस्पिटल, मुम्बई का संबंध में निम्नलिखित प्रविष्टियाँ उसके अंतर्गत रखी जाएगी :

“II. गवर्नमेंट डेंटल कॉलेज एंड हॉस्पिटल, मुम्बई

दंत शल्य चिकित्सा विभाग

(A) आरम्भ के समय : एम.टी.एस. (आरम्भ केवर्षोंकी)।
(वर्षों की संख्या) : 1948 का अध्याय महाराष्ट्र स्वास्थ्य विज्ञान विश्वविद्यालय, नासिक (1) विश्वविद्यालय, नासिक, महाराष्ट्र।”

[नं. बी-12017-42/2009-डीई।]

आर. शंकरन, अवर सचिव

MINISTRY OF HEALTH AND FAMILY WELFARE

(Department of Health and Family Welfare)

New Delhi, the 10th February, 2010

S.O. 1101.—In exercise of the powers conferred by sub-section (2) of Section 10 of the Dentists Act, 1948 (16 of 1948), the Central Government, after consultation with Dental Council of India, hereby, makes the following amendments in Part-I of the Schedule to the said Act, namely:

2. In the existing entries of column 2 & 3 against Serial No. 60, in Part-I of the Schedule to the Dentists Act, 1948 (16 of 1948) pertaining to recognition of dental degrees awarded by Maharashtra University of Health Sciences, Nashik, Maharashtra, the following entries in respect of Govt. Dental College & Hospital, Mumbai, shall be inserted hereunder:

“II Govt. Dental College & Hospital, Mumbai

Master of Dental Surgery

(A) Oral Pathology : MDS (Oral Pathology)
if granted on or after : Maharashtra University of Health Sciences, Nashik, Maharashtra.”

[No. V-12017-42/2009-DE]

R. SANKARAN, Under Secy.

नई दिल्ली, 10 फरवरी, 2010

कल.आ. 1102.—केंद्रीय सरकार दंत चिकित्सक अधिनियम, 1948 (1948 का 16) की धारा 10 की उप-धारा (2) द्वारा प्रदत्त शक्तों के अन्तर्गत, महाराष्ट्र स्वास्थ्य विज्ञान विश्वविद्यालय, नासिक, महाराष्ट्र द्वारा प्रदान किये गये प्रशिक्षणों की मान्यता देने के संबंध में क्रम सं. 60 के समान स्तम्भ 2 और 3 की मौजूदा प्रविष्टियों में गवर्नमेंट डेंटल कॉलेज एंड हॉस्पिटल, मुम्बई का संबंध में निम्नलिखित प्रविष्टियाँ उसके अंतर्गत रखी जाएगी :

2. दंत चिकित्सक अधिनियम, 1948 (1948 का 16) की अनुसूची के भाग I में महाराष्ट्र स्वास्थ्य विज्ञान विश्वविद्यालय, नासिक, महाराष्ट्र द्वारा प्रदत्त डेंटल डिग्रियों की मान्यता देने के संबंध में क्रम सं. 60 के III स्तम्भ 2 और 3 की मौजूदा प्रविष्टियों में महाराष्ट्र स्वास्थ्य विज्ञान विश्वविद्यालय, नासिक, महाराष्ट्र के संबंध में निम्नलिखित प्रविष्टियाँ उसके अंतर्गत रखी जाएगी :

“दंत शल्य चिकित्सा विभाग

आरम्भ केवर्षोंकी : एम.टी.एस. (आरम्भ केवर्षोंकी)।
(वर्षों की संख्या) : 2009 का अध्याय महाराष्ट्र स्वास्थ्य विज्ञान विश्वविद्यालय, नासिक (1) विश्वविद्यालय, नासिक, महाराष्ट्र।”

[नं. बी-12017-42/2009-डीई।]

आर. शंकरन, अवर सचिव

New Delhi, the 10th February, 2010

S.O. 1102.—In exercise of the powers conferred by sub-section (2) of Section 10 of the Dentists Act, 1948 (16 of 1948), the Central Government, after consultation with Dental Council of India, hereby, makes the following amendments in Part-I of the Schedule to the said Act, namely:

2. In the existing entries of column 2 & 3 against Serial No. 60 in respect of Government Dental College & Hospital, Nagpur, Maharashtra in Part-I of the Schedule to the Dentists Act, 1948 (16 of 1948) pertaining to recognition of dental degrees awarded by Maharashtra University of Health Sciences, Nashik, Maharashtra, the following entries shall be inserted thereunder:

“Master of Dental Surgery

Oral Medicine : MDS (Oral Medicine)
if granted on or : Maharashtra University of Health Sciences, Nashik, Maharashtra.”

[No. V-12017-42/2009-DE]

R. SANKARAN, Under Secy.

नई दिल्ली, 29 अप्रैल, 2010

कल.आ. 1103.—केंद्र सरकार दंत चिकित्सक अधिनियम, 1948 (1948 का 16) की धारा 10 की उप-धारा (1) (ख) की अनुसूची के केंद्र विश्वविद्यालय का प्रशिक्षण केवर्षों की मान्यता देने के संबंध में क्रम सं. 29 & 2009 से भारतीय आयुर्विज्ञान परिषद् द्वारा प्रदत्त की गई निम्नलिखित किया गया था :

अर्थात् भारतीय आयुर्विज्ञान परिषद् ने सुविधित किया था कि केंद्र विश्वविद्यालय का प्रशिक्षण केवर्षों की मान्यता देने के संबंध में भारतीय चिकित्सक अधिनियम, 1948 का धारा 3 (1) (ख) के अंतर्गत भारतीय आयुर्विज्ञान परिषद् के समान के रूप में उपाका नामांकन करने का कारण 28-2-2010 से भारतीय

आयुर्विज्ञान परिषद् की सदस्यता से भारतीय चिकित्सा परिषद्, 1956 की धारा 3(1)(ख) के अंतर्गत त्यागपत्र दे दिया है। अतएव केरल विश्वविद्यालय का प्रतिनिधित्व करने वाली डॉ. (श्रीमती) रानी भास्करन की भारतीय आयुर्विज्ञान परिषद् की सदस्यता समाप्त हो गई है।

इसलिए अब, उक्त अधिसूचना में धारा 5 की उप-धारा (2) के उपबंध के अनुसरण में केरल विश्वविद्यालय का प्रतिनिधित्व करने वाली डॉ. (श्रीमती) रानी भास्करन की भारतीय आयुर्विज्ञान परिषद् की सदस्यता को दिनांक 28-2-2010 से समाप्त हुआ माना जाएगा।

[सं. बी-11013/5/2010-एमई (नीति-I)]

अनीता त्रिपाठी, अवर सचिव

New Delhi, the 20th April, 2010

S.O. 1103.—Whereas in pursuance of the provision of sub-section (1) (b) of Section 3 of the Indian Medical Act, 1956 (102 of 1956) Dr. (Mrs.) Rani Bhaskaran was elected as a member of the Medical Council of India representing Kerala University with effect from 29-8-2007.

Whereas the Medical Council of India has informed that Dr. (Mrs.) Rani Bhaskaran who is representing Kerala University under Section 3(1)(b) of IMC Act, 1956 had resigned from Medical Council of India's membership with effect from 28-02-2010 due to her nomination as member, Medical Council of India under Section 3(1)(e) of IMC Act, 1956 representing the Central Government. Therefore, Dr. (Mrs.) Rani Bhaskaran has ceased to be a member of Medical Council of India representing Kerala University.

Now, therefore, in pursuance of the provision of sub-section (2) of Section 5 of the said Act, Dr. (Mrs.) Rani Bhaskaran shall be deemed to have ceased to be a member of the Medical Council of India representing Kerala University with effect from 28-02-2010.

[No. V-11013/5/2010-ME (Policy-I)]

ANITA TRIPATHI, Under Secy.

इस्पात मंत्रालय

नई दिल्ली, 20 अप्रैल, 2010

का.आ. 1104.—केन्द्रीय सरकार, सरकारी स्थान (अप्राधिकृत अधिभोगियों की बेदखली) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के इस्पात मंत्रालय की अधिसूचना संख्यांक का.आ. 2640 दिनांक 9 सितंबर, 2003 को अधिकांत करते हुए, उन बातों के सिवाय जिन्हें ऐसे अतिक्रमण से पहले किया गया है, या करने का लोप किया गया है नीचे दी गई सारणी के स्तंभ (1) में वर्णित अधिकारी को, जो भारत सरकार के राजपत्रित अधिकारी के समतुल्य श्रेणी का अधिकारी है, उक्त अधिनियम के प्रयोजनों के लिए संपदा अधिकारी नियुक्त करती है, जो सारणी के स्तंभ (2) में विनिर्दिष्ट सरकारी स्थानों के संबंध में अपने अधिकारिकता की स्थानीय सीमाओं के भीतर उक्त अधिनियम द्वारा या उसके द्वारा प्रदत्त शक्तियों

का प्रयोग करते हुए संपदा अधिकारी पर अधिरोपित कर्तव्यों का पालन करेगा।

सारणी

अधिकारी का नाम तथा पदनाम सरकारी स्थानों के प्रवर्ग और अधिकारिता की सीमाएं

(1)	(2)
उप महाप्रबंधक (कार्मिक), मैंगनीज ओर (इंडिया) लिमिटेड, 1ए काटोल रोड, मॉयल भवन, नागपुर-440 013	मध्य प्रदेश का बालाघाट जिला, महाराष्ट्र के नागपुर और भंडारा जिलों और आंध्र प्रदेश के आदिलाबाद जिले में स्थित मैंगनीज ओर इंडिया लिमिटेड से संबंधित या पट्टे पर लिए गए सभी परिसर।

[मि. सं. 1(9)/2009-अरएम-II]

ए. धनलक्ष्मी, उप सचिव

MINISTRY OF STEEL

New Delhi the 20th April, 2010

S.O. 1104.—In exercise of the powers conferred by Section 3 of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971 (40 of 1971) and in supersession of the notification of the Government of India, Ministry of Steel number S.O. 2640, dated the 9th September, 2003, except as respect things done or omitted to be done before such supersession, the Central Government hereby appoints the officer mentioned in column (1) of the Table below, being an officer equivalent to the rank of Gazetted Officer of Government of India, to be Estate Officer for the purposes of the said Act, who shall exercise the powers conferred and perform the duties imposed on Estate Officer by or under the said Act, within the local limits of his jurisdiction in respect of the public premises specified in column (2) of the Table.

TABLE

Address and designation of the Officer	Categories of the public premises and local limits of jurisdiction
(1)	(2)
Dy. General Manager (Personnel), Manganese Ore (India) Limited, 1A, Katol Road, MOIL Bhawan, Nagpur - 440 013	All premises belonging to or taken on lease by Manganese Ore (India) Limited situated in Balaghat District of Madhya Pradesh, Nagpur and Bhandara Districts of Maharashtra and Adilabad District of Andhra Pradesh.

[F. No. 1(9)/2009-RM. II]

A. DHANALAKSHMI, Dy. Secy.

उपरोक्त आधले, खाद्य और सार्वजनिक वितरण मंत्रालय

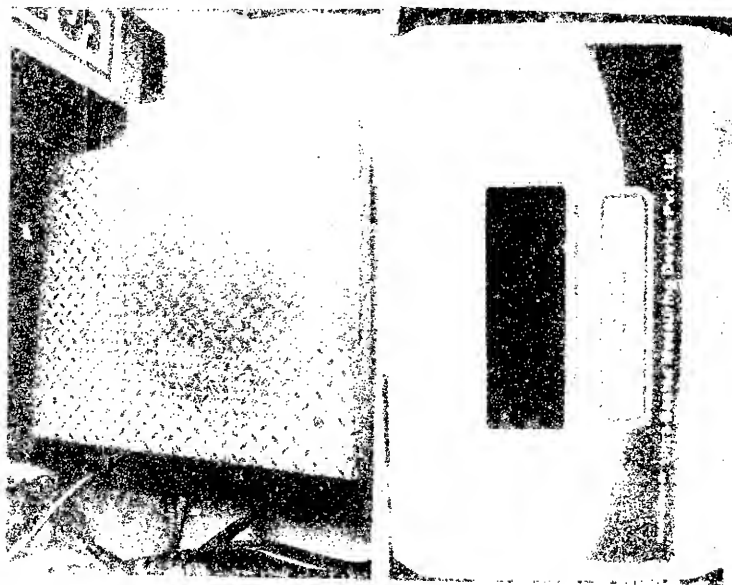
(अभ्यासका आधले विभाग)

नई दिल्ली, 8 अप्रैल, 2010

उप-धारा 3(105) के तहत उप-धारा 36, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (19/76 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उप-धाराओं के अनुरूप है और इस बात की संभावना है कि व्यापार, रयोग की अवधि में भी उक्त मॉडल यथार्थता में उपयोग और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः उक्त कोटिरीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा 36, द्वारा प्रदत्त शक्तियाँ का प्रयोग करते हुए, मैसर्स अमर प्रोपर्टी प्रोजेक्ट्स लिमिटेड को 16, 5-08, सुहाग सिटी सेंटर, दुर्गापुर-713216 पश्चिम बंगाल, द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग 1) वाले "यूएसएमडी-300" श्रृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) का निर्माण करा, जिसको ब्रांड नाम "मेटवैट" है (जिसे इन्फो इण्डिया के पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन विह आर् एन को/09 (स 2) समनुदेशन किया गया है, अनुमोदन प्रमाण पत्र जारी करती है।

उक्त उपकरण एक विकृत गुरुत्वाकर्षण और सेल आधारित अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) है। इसकी अधिकतम क्षमता 20000 किग्रा. और न्यूनतम क्षमता 10 किग्रा. है। स्थापन योग्यमान अंतराल (ई) 500 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत का माप प्रत्येक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रकाश तोलन परिणाम उपदर्शित करता है। उपकरण का मापन और मापन उपकरण का विद्युत प्रदाय पर कार्य करता है।



आकृति-2 सीलिंग प्रावधान

इस प्रकार कि पिछली तरफ बनाए गए छेदों में से सील और चाकर सील निकाल कर सीलिंग की जाती है। मॉडल की मीलबंद करने के उपबंध का उक्त मॉडल कोलमाबद्ध होना प्रमाण दिया गया है।

अतः कोटिरीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियाँ का प्रयोग करते हुए यह समाधान करती है कि उक्त मॉडल का अनुमोदन को इस प्रमाण-पत्र के अंतर्गत उभी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उभी समायोजन के तहतसे उक्त अनुमोदन मॉडल का विनिर्माण किया गया है, विनिर्मित उक्त श्रृंखला के वैसे ही मेक, यथार्थता और आधेयतुलन के तोलन उपकरण का माप जो 5 ग्रा. या अधिक के "ई" मान के लिए 500 से 10,000 तक के रेंज में स्थापन योग्यमान अंतराल (एन) सहित 50 किग्रा. से 5000 किग्रा. या भी अधिकतम क्षमता वाले हैं और "ई" मान 1×10^3 , 2×10^3 , 5×10^3 , के हैं, जो गणनात्मक या क्रणात्मक पूर्णक या शून्य के समतुल्य हैं।

MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION

(Department of Consumer Affairs)

New Delhi, the 8th April, 2010

S.O. 1105.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Platform Type) with digital indication of medium accuracy (Accuracy Class-III) of series "USMD-304" and with brand name "NETWET" (hereinafter referred to as the said model), manufactured by M/s. Ultra Scale Measuring Device Pvt. Ltd., 5/38, Suhatta City Centre, Durgapur-713216, West Bengal and which is assigned the approval mark IND/09/08/211;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform Type) with a maximum capacity of 2000 kg. and minimum capacity of 10 kg. The verification scale interval (e) is 500 g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.

Figure-1: Model

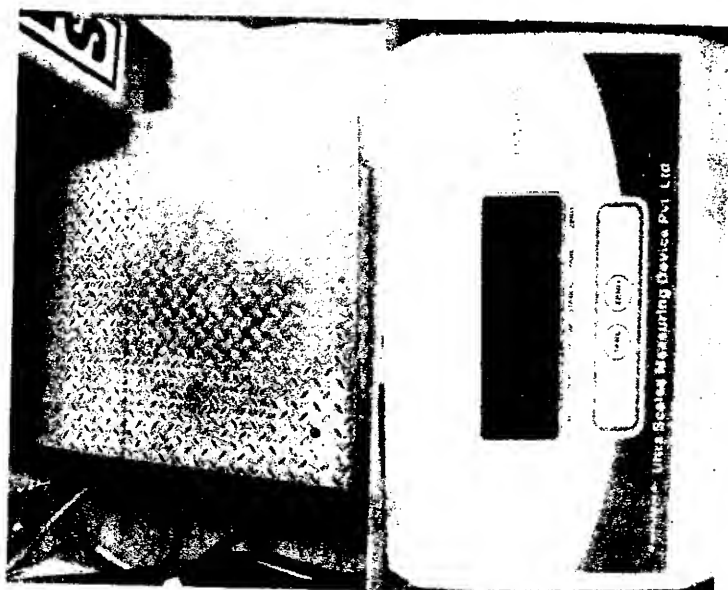


Figure-2 : Sealing provision of the indicator of model

Sealing is done by applying lead and wire seal through the holes made on the rear side of the indicator. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50 kg. and up to 5000 kg. with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5 g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

[F. No. WM-21 (102)/2008]

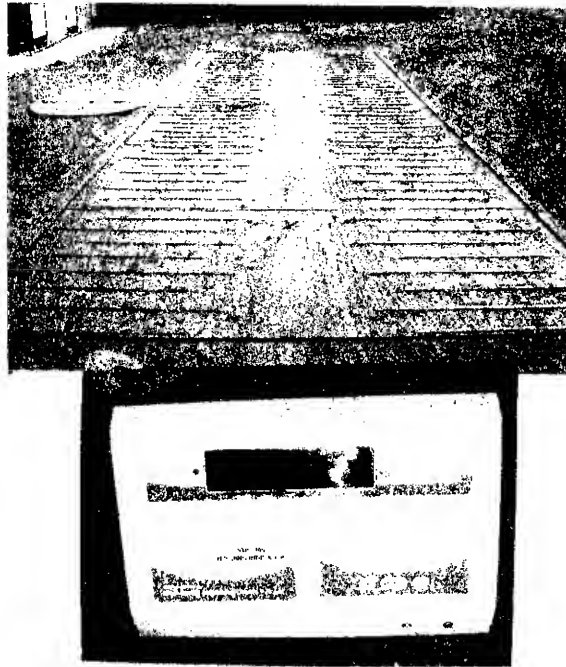
B. N. DIXIT, Director of Legal Metrology

नई दिल्ली, 8 अप्रैल, 2010

का.आ. 1106.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान की बात है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स अल्ट्रा स्केल मेजरिंग डिवाइस प्रा. लि., 5/38, सुहाता सिटी सेंटर, दुर्गापुर-713216 पश्चिमी बंगाल, द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले "यूएसएमडी-305" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (वेब्रिज प्रकार) के मॉडल का, जिसके ब्रांड का नाम "नेटवेट" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/08/212 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (वेब्रिज प्रकार) है। इसकी अधिकतम क्षमता 60 टन और न्यूनतम क्षमता 200 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) 10 कि.ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



आकृति-2 सीलिंग प्रावधान

इंडीकेटर के पिछली तरफ बनाए गए छेदों में से लीड और वायर सील निकाल कर सीलिंग की जाती है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम ऊपर दिया गया है।

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) सहित 5 टन से 200 टन तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^3 , 2×10^3 , 5×10^3 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(102)/2008]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 8th April, 2010

S.O. 1106.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument Weighbridge Type) with digital indication of medium accuracy (Accuracy Class-III) of series "USMD-305" and with brand name "NETWET" (hereinafter referred to as the said model), manufactured by M/s. Ultra Scale Measuring Device Pvt. Ltd., 5/38, Suhatta City Centre, Durgapur-713216, West Bengal and which is assigned the approval mark IND/09/08/212;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Weighbridge Type) with a maximum capacity of 60 tonne and minimum capacity of 200 kg. The verification scale interval (e) is 10 kg. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.

Figure-1 Model



Figure 2-Sealing

Sealing is done by applying lead and wire seal through the holes made on the rear side of the indicator. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 5 tonne and up to 200 tonne with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5 g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

[F. No. WM-21 (102)/2008]

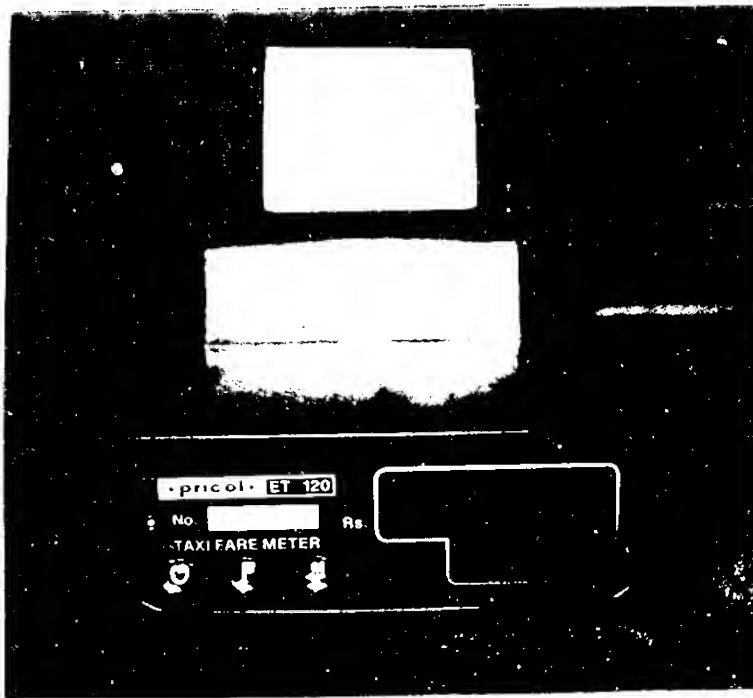
B. N. DIXIT, Director of Legal Metrology

नई दिल्ली, 8 अप्रैल, 2010

अ. 1107.--केंद्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करके पश्चात् यह समाधान हो गया है कि उक्त विनियमन के अन्तर्गत मोडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडल का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल दक्षार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केंद्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा 38, द्वारा शक्तियों का प्रयोग करत हुए, मैसर्स प्रीकोल लिमिटेड, 2/439, मैन रोड, करमादई पोस्ट, कोयम्बतूर-641104 तमिलनाडु द्वारा विनिर्मित "टैक्सी" भुंखला के अंकक सूचन सहित, "टैक्सी मीटर" के मॉडल का, जिसके ब्रांड का नाम "प्रीकोल" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन 1092/08/51 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल "टैक्सी मीटर" मापन उपकरण है जो लगातार योग करता जाता है और यात्री द्वारा देय भाड़े को यात्रा के दौरान किमी भी समय दर्शाता है। सार्वजनिक वाहन के यात्रियों द्वारा देय भाड़ा, तय की गई दूरी और निर्धारित स्पीड से कम पर व्यतीत किए गए समय का फलन है जो प्राधिकृत शुल्क के अनुसार अनुपूर्क भाड़े से स्वतंत्र है। फेयर मीटर के टॉप पर एक अनुपूर्क प्रिंटिंग सुविधा लगाई गई है। प्रिंटिंग सुविधा किसी भी समय पैग मीटर द्वारा दर्शाए गए किराए को प्रिंट कर सकती है। बाहरी सम्पर्कों की सुविधा जैसे मोबाइल कम्यूनिकेशन टर्मिनल भी उपलब्ध है। मीटर की मॉडल प्रकार उत्सर्जक डायोड (एल ई डी) द्वारा दर्शायी जाती है और पावर सप्लाइ 10 वा से 16 वी डोसी तक है। टैक्सी मीटर का 'के' फेक्टर 1270 एसिस प्रति किलोमीटर पर चलता है। अधिकतम दूरी और किराया 5 अंकों तक प्रत्येक के लिए दर्शाता है।



आकृति-2 उपकरण के मॉडल का सीलिंग प्रावधान

मोटर वाड़ी की सीलिंग के लिए मीटर के पीछे की तरफ तीन टेम्पर पूफ सीलिंग स्कू दिए गए हैं। ये स्कू लगाने के बाद, इन स्कू के छेदों में से सील बाहर निकाल कर सील किया जाता है। सेंसर प्वाइंट, स्पीडोमीटर प्वाइंट और स्पीड केबल इन सभी तीनों को सीलिंग के लिए आपस में जोड़ा जाता है। मॉडल की सीलिंग व्यवस्था का योजनाबद्ध डायग्राम ऊपर दिया गया है।

[फा. सं. डब्ल्यू एम 21-147/2008]

बी. एम. दीक्षित, निदेशक, विभिन्न वन विभाग

New Delhi, the 8th April, 2010

S.O. 1107.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of 'Taxi Meter' with digital indication (hereinafter referred to as the said model) of "ET" series with brand name "PRICOL" manufactured by M/s. Pricol Limited, 2/439, Main Road, Karamadai Post, Coimbatore-641 104, Tamil Nadu and which is assigned the approval mark IND/09/08/51;

The said model of "Taxi Meter" is a measuring device which totalizes continuously and indicates the fare, at any moment of journey, the charges payable by the passenger of a public vehicle as function of the distance travelled, and below a certain speed on the length of the time occupied, independent of supplementary charges according to the authorized tariffs. A supplementary printing device is also fitted at the top of the fare meter. At any movement the printing device can print the fare indicated by the fare meter. Facility of external interface i.e. mobile communication terminal is also available. The reading of the meter is indicated by Light Emitting Diode (LED) and the power supply is 10V to 16V DC. The 'K' factor of the Taxi meter is 1270 pulses per kilometer. The indication of maximum distance and fare is of 5 digits each.

Figure-1. Model

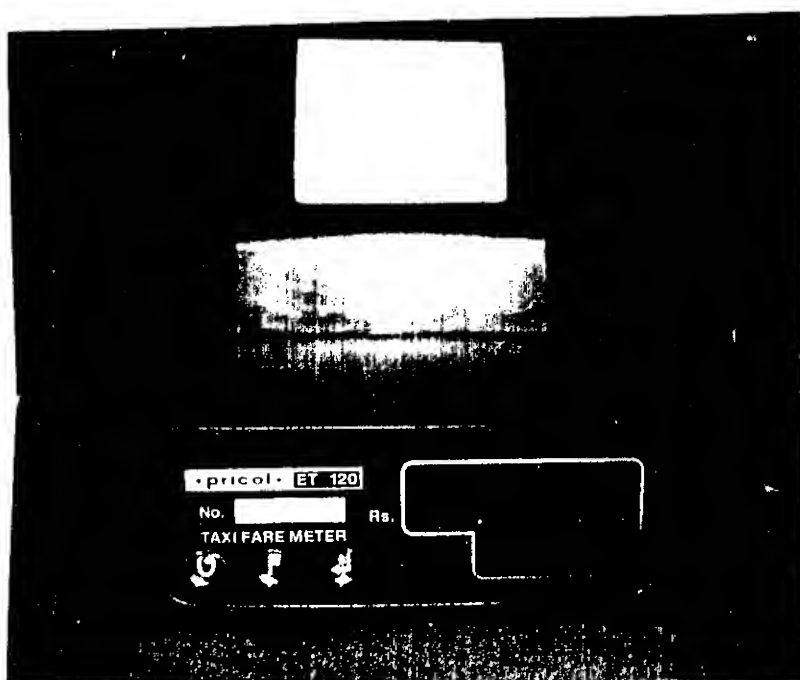


Figure-2. Sealing diagram of the sealing provision of the model.

For sealing the meter body there is three tamper proof sealing screws are provided at the rear side of the meter. After putting these screws, steel wire to be put through the holes of these screws and to be sealed. The sensor point, speedometer point and the speed cable all three are linked together for sealing. A typical schematic diagram of sealing provision of the model is given above.

[F. No. WM-21 (14)/2008]

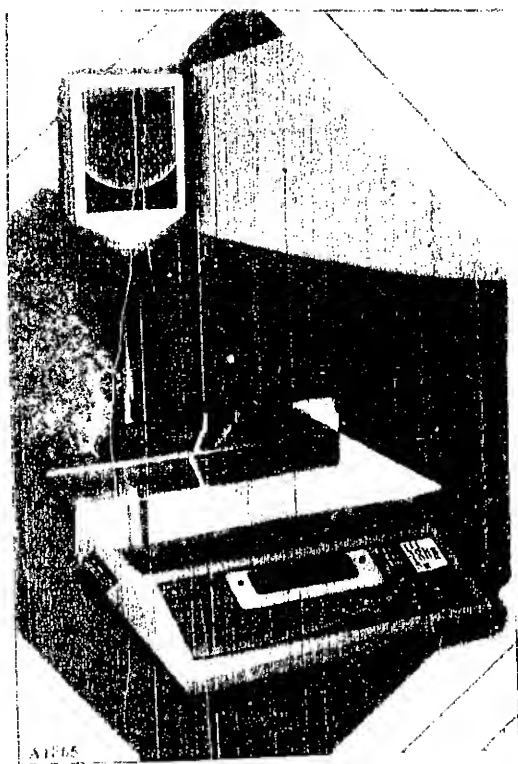
B. N. DIXIT, Director of Legal Metrology

नई दिल्ली, 8 अप्रैल, 2010

का. 30-10-2009 केन्द्रीय सरकार द्वारा निर्दिष्ट अधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् वह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित सिद्धांत (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः उक्त सरकार उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स आईकॉन इलेक्ट्रॉनिक्स प्रा. लि., जबूका एवेन्यू, एन.एच. 8 पर, निगरा चंपक पेट इंडस्ट्री, ठाकर नगर, अहमदाबाद, गुजरात द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता का "ई" वाले "आईकॉन" शृंखला के अंकक भूचलन सहित, अस्वचालित तोलन उपकरण (टेबलटाप प्रकार) के मॉडल का, जिसके प्रारंभिक नाम "आईकॉन" है जिससे इसमें इससे पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/आईएनएस/आई समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का गैर स्वतः आधारीत अस्वचालित तोलन उपकरण (टेबलटाप प्रकार) है। इसका अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। स्थापन मापमान अंतराल (ई) 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यक्तित्वालयक प्रति आधेयतुलन प्रभाव है। प्रकार उत्सर्जक लायांड (एल ई डी) प्रदर्श तोलन परिणाम उपदेशित करता है। उपकरण 230 वोल्ट और 50/60 चक्रावली धारा विद्युत प्रणाली पर कार्य करता है।



आकृति-2 : मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम

इंडोकेटर को उपकरण के दायरे में बनाए गए छेदों में से वायर निकाल कर वायर पर लाइ सील से सीलिंग का जाती है। मॉडल को सीलिंग करने के उपरान्त वायर प्रारंभिक योजनाबद्ध डायग्राम उपरोक्त दिख गया है।

और उक्त योजनाबद्ध डायग्राम के धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल का अनुमोदन का इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन, निर्माण और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही पैक, यथार्थता और कार्यक्षमता के तोलन उपकरण भी होंगे जो 100 मि.ग्रा. से 1000 तक के "ई" मान के लिए 10 से 10,000 तक के रेंज में स्थापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के "ई" मान के लिए 100 से 10,000 तक के रेंज में स्थापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 10,000 से 10,000,000 तक के स्थापन मापमान या ऋणात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[का. सं. डब्ल्यू.एम.-21 (43)/2008]

बी. एन. दीक्षित निदेशक, विधिक माप विज्ञान

New Delhi, the 8th April, 2010

S.O. 1108.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Tabletop Type) with digital indication of "IKT" series of medium accuracy (Accuracy class-III) and with brand name "IKON" (hereinafter referred to as the said model), manufactured by M/s. Ikon Instruments, A-16, Jabuka Avenue, on N.H. No. 8, Nr. Champak Paint Ind., Thakkar Nagar, Ahmedabad, Gujarat and which is assigned the approval mark IND/09/08/103;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Tabletop Type) with a maximum capacity of 30 kg and minimum capacity of 100 g. The verification scale interval (e) is 5 g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternate current power supply.

Figure-1: Model

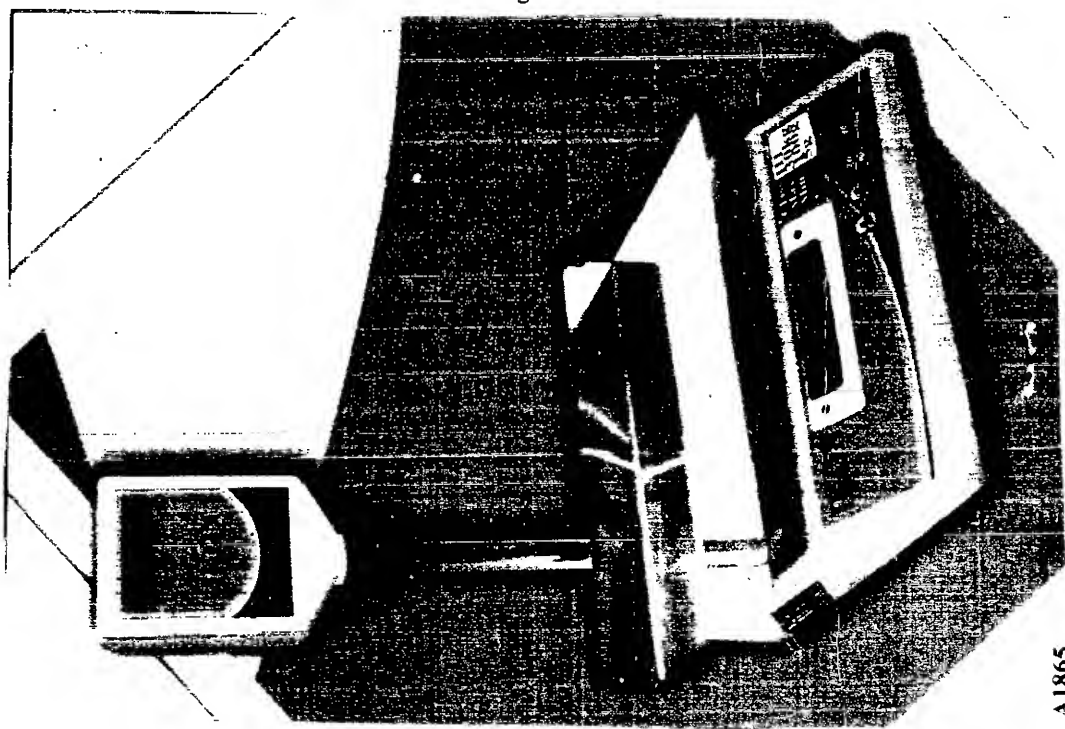


Figure-2 : Sealing diagram of the model.

Sealing is done through the holes made in bottom plate and top cover of the scale, then a wire is passed through these holes and the lead seal is fixed on the wire. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50 kg with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100 mg to 2 g and with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5 g or more and of 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved model has been manufactured.

[F. No. WM-21 (43)/2008]

B. N. DIXIT, Director of Legal Metrology

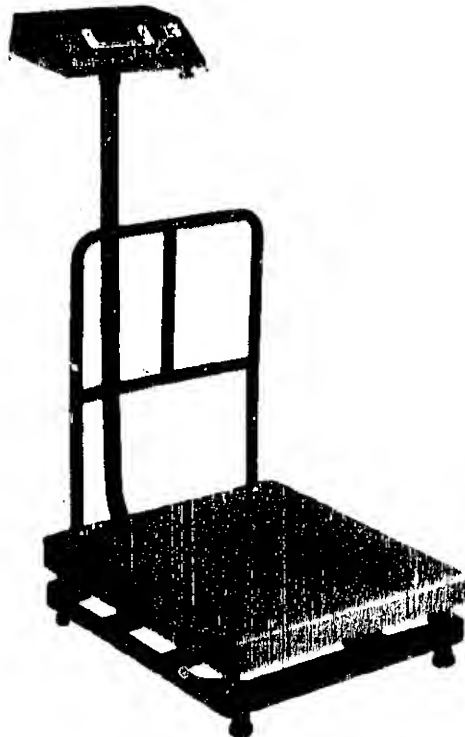
नई दिल्ली, 8 अप्रैल, 2010

का.आ. 1109.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स आईकॉन इंस्ट्रुमेंट, ए-16, जबूका एवेन्यू, एन एच नं. 8 पर, नियर चंपक पेंट इंडस्ट्री, टाक्कर नगर, अहमदाबाद, गुजरात द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले "आईकॉपी" श्रृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम "आईकॉन" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन निम्न आई नं. डी/09/08/104 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

इका मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) है। इसके अधिकतम क्षमता 1000 कि.ग्रा. है और न्यूनतम क्षमता 2 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) 100 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यक्तनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

आकृति-1: मॉडल



आकृति-2 मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम

इंडीकटर की बाटम प्लेट और टाप कवर में बनाए गए छेदों में से वायर निकाल कर वायर पर सील से सीलिंग की जाती है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से तैयार उक्त अनुमोदित मॉडल विनिर्माण किया गया है। विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के लिए 500 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. से 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$ और $5 \times 10^*$ के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. में डब्ल्यू गम-21(43)/2008]

बी. एन. सीधित, निदेशक, विधिक माप विज्ञान

New Delhi, the 8th April, 2010

S.O. 1109.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Platform Type) with digital indication of medium accuracy (Accuracy Class-III) of series "IKP" and with brand name "IKON" (hereinafter referred to as the said model), manufactured by M/s. Ikon Instruments, A-16, Jabuka Avenue, On N.H. No. 8, Nr. Champak Paint Ind., Thakkar Nagar, Ahmedabad, Gujarat and which is assigned the approval mark IND/09/08/104;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform Type) with a maximum capacity of 1000 kg and minimum capacity of 2 kg. The verification scale interval (e) is 100 g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.

Figure-1 Model

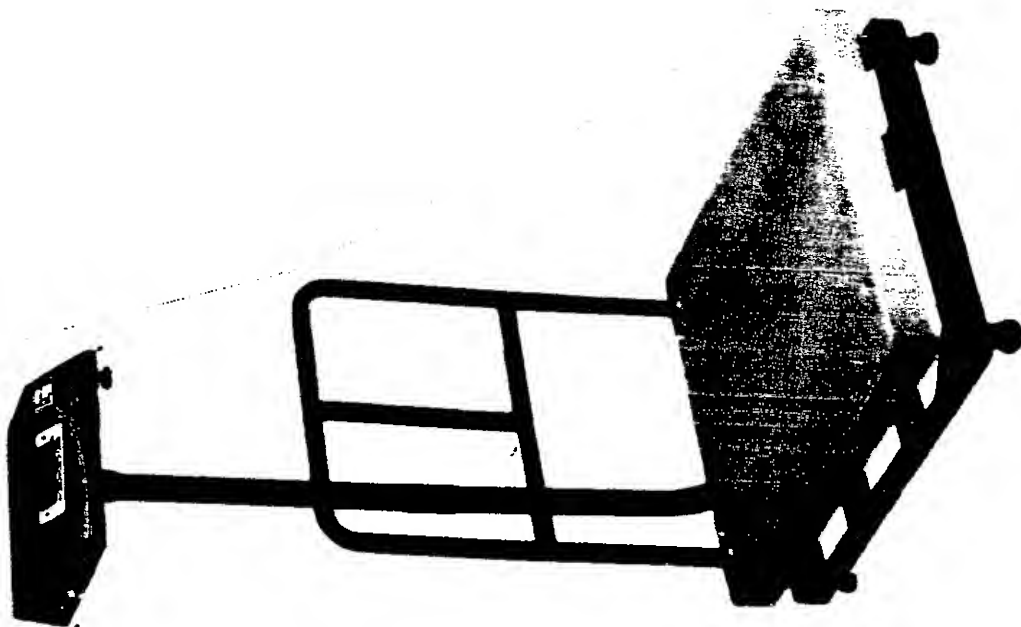


Figure-2 Sealing provision of the indicator of model

Sealing is done through the holes made in the bottom plate and top cover of the indicator, then a wire is passed through these holes and the lead seal is fixed on the wire. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, and performance of same series with maximum capacity above 50 kg and upto 5000 kg with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5 g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

[F. No. WM-21 (43)/2008]

B. N. DIXIT, Director of Legal Metrology

नई दिल्ली, 8 अप्रैल, 2010

का.आ. 1110.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स आलविन पेइंग सिस्टम, प्लॉट नं. 155 + 156/3, रोड नं. सी1-बी3, जीआईडीसी नरोदा, अहमदाबाद-382475 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले "एडब्ल्यूएस-एफडब्ल्यू" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (वेब्रिज प्रकार) के मॉडल का, जिसके ब्रांड का नाम "आलविन" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न "एल ई डी 09/08/242" समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (वेब्रिज प्रकार) है। इसकी अधिकतम क्षमता 40 टन और न्यूनतम क्षमता 200 कि.ग्रा. है। संचापन मापमान अंतराल (ई) 10 कि. ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। वोल्ट 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

आकृति-1: मॉडल



आकृति-2 : सीलिंग प्रावधान।

इंडीकेटर में किए गए छेदों में से वायर निकाल कर और वायर पर लीड सील लगाकर सीलिंग की जाती है। मॉडल को सीलबंद धारने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) सहित 5 टन से अधिक और 100 टन तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^3 , 2×10^3 और 5×10^3 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21 (112) 2008]

बी. एन. दीक्षित, निदेशक, विधिक तथा विज्ञान

New Delhi, the 8th April, 2010

S.O. 1110.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Weighbridge Type) with digital indication of medium accuracy (Accuracy Class-III) of series AWS-F.W and with brand name "ALLWIN" (hereinafter referred to as the said model), manufactured by M/s. Allwin Weighing Systems, Plot No. 155+156/3, Shade No. CI-B3, G.I.D.C. Naroda, Ahmedabad-382475 and which is assigned the approval mark IND/09/08/242;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Weighbridge Type) with digital indication of maximum capacity of 40 tonne and minimum capacity of 200 kg. The verification scale interval (e) is 10 kg. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.

Figure-1: Model

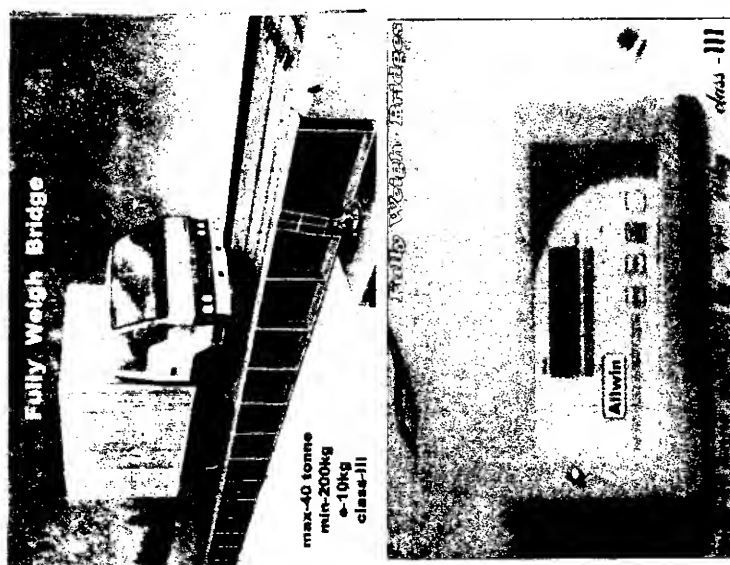


Figure-2 : Sealing arrangement.

Sealing is done through the holes made in the indicator, then a wire is passed through these holes and the lead seal is applied on the wire. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make and performance of same series with maximum capacity above 5 tonne and upto 100 tonne and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5 g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved Model has been manufactured.

[F. No. WM-21 (112)/2008]

B. N. DIXIT, Director of Legal Metrology

नई दिल्ली, 8 अप्रैल, 2010

अ.सं. 1111.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त विमान के मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों के अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता प्रदान करेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अ.सं. 1112, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स डिजी टेक सिस्टम, आर एच नं. 14, बिमल इन्क्लेव, व्यास तालाब के निकट, भानपुरी, रायपुर, छत्तीसगढ़ द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "ईएसडीटी" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबलटाप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "ईएसएस-डीआईजीआईकॉम" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/08-163 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (टेबलटाप प्रकार) है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) 5. ग्रा. है। इसमें एका आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यक्तनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



आकृति-2 सीलिंग प्रावधान का योजनाबद्ध डायग्राम

स्केल की बॉडी और बाटम प्लेट में बनाए गए छेद में से सीलिंग वायर निकाल कर लीड सील के साथ सीलिंग की जाती है। सील तोड़ बिना उपकरण को खोला नहीं जा सकता। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम ऊपर दिया गया है।

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि. ग्रा. से 2 ग्रा. तक के "ई" मान के लिए 100 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$ और $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू.एम-210115/2008]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 8th April, 2010

S.O. 1111.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Tabletop Type) with digital indication of "ESDT" series of medium accuracy (Accuracy Class-III) and with brand name "ESS-DIGICOM" (hereinafter referred to as the said model), manufactured by M/s. Digi-Tech Systems, R.H. No. 14, Bimal Enclave, Nr. Vays Talab Bhanpuri, Raipur, C.G. and which is assigned the approval mark IND/09/08/263;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Tabletop Type) with a maximum capacity of 30 kg. and minimum capacity of 100g. The verification scale interval (e) is 5 g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.

Figure-1 Model



Figure-2 Sealing diagram of the model

Sealing is done by the sealing wire passing through the holes made in the Protection Plate and top cover of the scale with the lead seal. The instrument cannot be opened without breaking the seals. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50 kg. with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100mg. to 2g. and with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved Model has been manufactured.

[F. No. WM-21 (115)/2008]

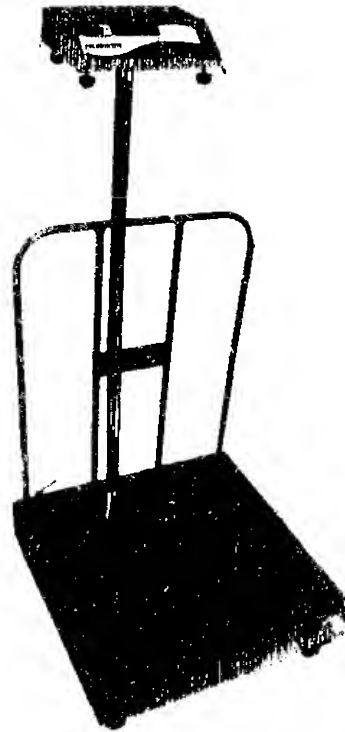
B. N. DIXIT, Director of Legal Metrology

नई दिल्ली, 8 अप्रैल, 2010

का.अ. 1112 केन्द्रीय सरकार का विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में धणित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स डिजो टेक सिस्टम्, आर एच नं. 14, बिमल इन्कलेव, व्यास तालाब के निकट, भानपुरी, रायपुर, छत्तीसगढ़ द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "एसडीपी" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम "ईएसएस-डीआईजीआईकॉम" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/08/264 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है ;

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) है। इसकी अधिकतम क्षमता 300 कि.ग्रा. और न्यूनतम क्षमता 1 कि. ग्रा. है। सत्यापन मापमान अंतराल (ई) 50. ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यक्तनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



आकृति-2 सीलिंग प्रावधान का योजनाबद्ध डायग्राम

स्कूल की बाँड़ी और बाटम प्लेट में बनाए गए छेद में से सीलिंग वायर निकाल कर लीड सील के साथ सीलिंग की जाती है। सील तोड़े बिना उपकरण को खोला नहीं जा सकता। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम ऊपर दिया गया है।

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. से 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^3 , 2×10^3 और 5×10^3 , के हैं, जो घनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21 (115)/2008]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 8th April, 2010

S.O. 1112.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Platform Type) with digital indication of medium accuracy (Accuracy Class-III) of series "ESDP" and with brand name "ESS-DIGICOM" (hereinafter referred to as the said model), manufactured by M/s. Digi-Tech Systems, R.H. No. 14, Bimal Enclave, Nr. Vyas Talab, Bhanpuri, Rajpur, C.G. and which is assigned the approval mark IND/09/08/264;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with maximum capacity of 300 kg and minimum capacity of 1 kg. The verification scale interval (e) is 50 g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.

Figure-1 Model

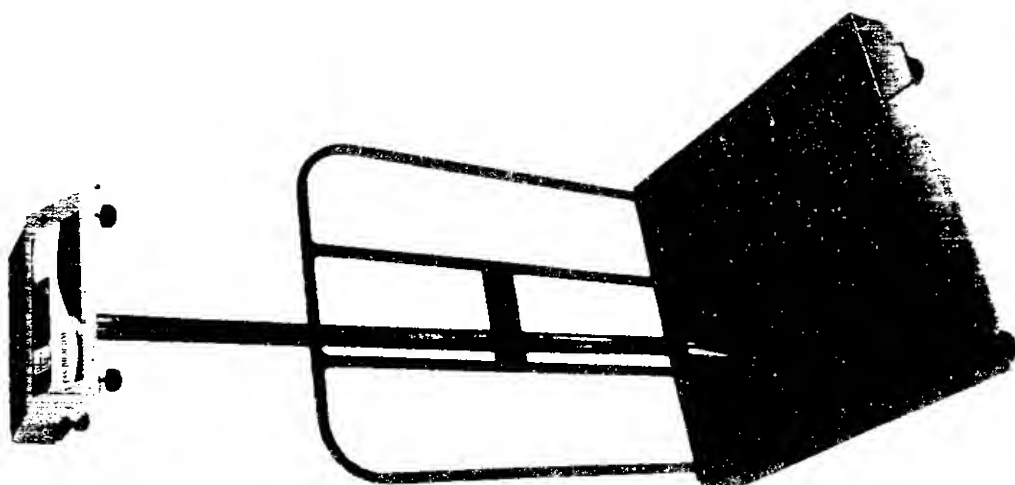


Figure-2 Sealing provision of the indicator of model

Sealing is done by the sealing wire passing through the holes made in the bottom Plate and top cover of the indicator of the scale with the lead seal. The indicator cannot be opened without breaking the seals. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50 kg. and up to 5000 kg. with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F.No. WM-21 (115)/2008]

B. N. DIXIT, Director of Legal Metrology

नई दिल्ली, 8 अप्रैल, 2010

का.आ. 1113.-- केन्द्रीय सरकार का, विहित प्राधिकारी नीदरलैंड मीट्रिनिस्ट्रटूट (एन एम आई), नीदरलैंड द्वारा जारी मॉडल अनुमोदन प्रमाण पत्र के साथ उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अधीन है और इस बात को संश्लेषण है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में आवश्यक सेवा प्रदान करता रहेगा।

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (3) और उप-धारा (7) और उप-धारा (8) के तिसरे परन्तुक द्वारा शक्तियों को प्रयोग करते हुए मैटर्स फॉर हरमैन, राउट डे बोनेटेबल, 72400 ला फर्टे- ब्रगार्ड फ्रांस द्वारा विनिर्मित "एफएच 8500" शृंखला का एक मापन सेंसर (अल्ट्रासोनिक गैंगर) जिसका उद्देश्य परिशुद्धता श्रेणी 0.3 की मापन प्रणाली के भाग के रूप में उपयोग किया जाता है जो पानी के भालावा अन्य द्रवों हेतु मापन सिस्टम का एक भाग है, जिसके ब्राण्ड का नाम "फॉर हरमैन" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) के मॉडल का तथा भारत में मैटर्स लिक्विड कंट्रोल इंडिया प्राइवेट लिमिटेड, 231-1 और 2, पोर-रामनगापडी, जीआईडीसी वर्कशॉप, पोस्ट 391243, जिला बडोदा, गुजरात द्वारा विपणन किया गया है और जिसे अनुमोदन चिह्न आई एन डी/13/09/2004 ममनुदेशित किया गया है अनुमोदन प्रमाण पत्र जारी करती है।



उक्त मॉडल एक इलेक्ट्रॉनिक मेजरमेंट ट्रांसड्यूसर है जिसका प्रयोग पेट्रोलियम लिक्विड, लिक्विड कैमीकल्ज और चिपचिपाहट/विसकोसिटी 0.5 से 100 और 1000 mm²/s के बीच है अल्ट्रासोनिक ट्रांसिट-टाइम तरीके के सिद्धांत पर निम्नलिखित आवश्यक विशेषताओं के साथ करता है:-

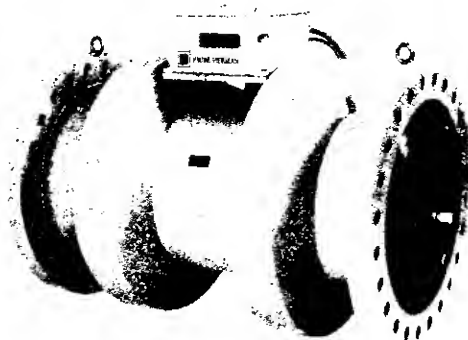
Diameter	Min. measured quantity	Max kinetic viscosity	Flow rate		Minimum Reynolds number
			Min.	Max.	
			[m ³ /h]	[m ³ /h]	[-]
150mm	1	13.5	60	600	16500
200	2	13.5	100	1000	13500
300	5	1000	300	3000	4000
400	10	1000	450	4500	2500

इसका तापमान रेंज -25° से + 55° से. है। अधिकतम परिचालन दाब 150 बार है। उसका 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती भार विद्युत प्रदाय या 24 वी. डी. से. पर कार्य करता है।

New Delhi, the 8th April, 2010

S.O. 1113.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, along with the Model approval certificate issued by the Netherlands Meetinstituut (NMI), Netherlands, is satisfied that the model described in the said report (see the figure given below), is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by the third proviso to sub-section (3) and sub-sections (7) and (8) of section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of model of a measurement sensor (Ultrasonic Sensor) intended to used as part of "Measuring system for liquids other than water" with brand name 'Faure Herman' and of series "FH8500" series of accuracy class 0.3 (hereinafter referred to as the model), manufactured by M/s. Faure Herman, Route de bonnetable, 72400La Ferte- Bernard, France and marketed in India by M/s. Liquids Control India Private Limited, 231-1&2, Por-Ramangamadi, GIDC Industrial Area, Por- 391243, Baroda, Gujarat and which is assigned the approval mark IND/13/09/304;



The said model is an electronic measurement transducers used for custody transfer of petroleum liquid products, liquid chemicals and potable liquids with viscosities between 0.5 mn²/s and 1000mn²/s and working on the principle of ultrasonic transit time method, with following essential characteristics.

Diameter	Min. measured quantity	Max. kinetic viscosity	Flow rate		Minimum Reynolds Number [-]
			Min. [m ³ /h]	Max. [m ³ /h]	
150mm	1	13.5	60	600	16500
200	2	13.5	100	1000	18500
300	5	1000	300	3000	600
400	10	1000	450	4500	600

The temperature range is -25°C to + 55°C. The maximum operating pressure is 150 bar. The instrument operates on 230V, 50Hz alternative current power supply or 24V DC.

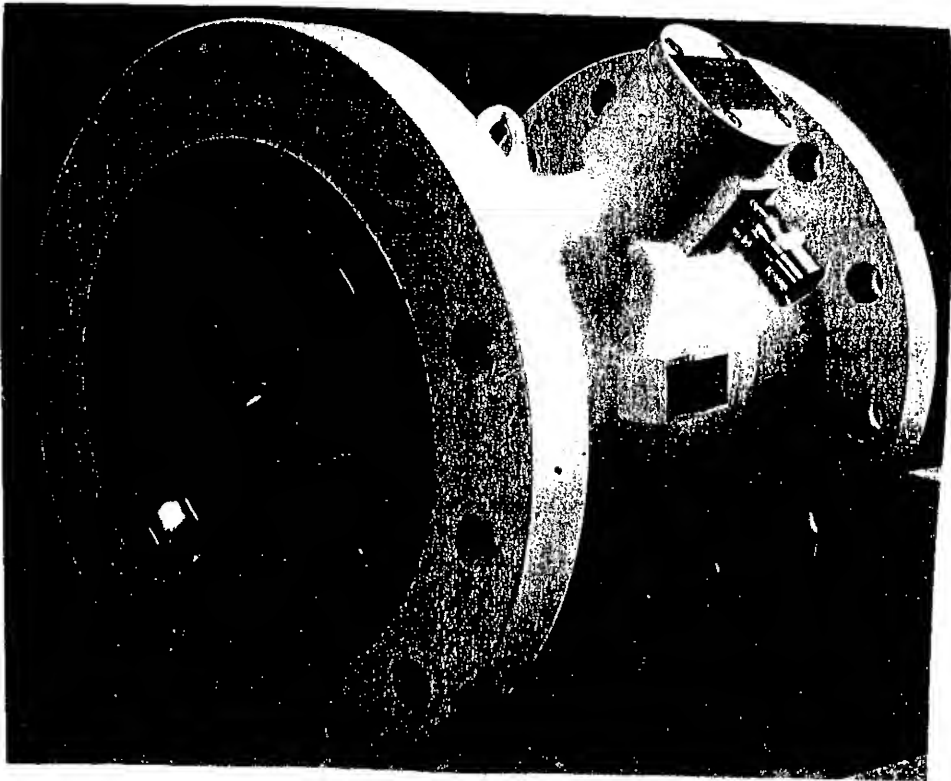
[F. No. WM-21 (229)/2008]

B. N. DIXIT, Director of Legal Metrology

नई दिल्ली, 8 अप्रैल, 2010

का.आ. 1114.—केन्द्रीय सरकार का, विहित प्राधिकारी नीदरलैंड मीटिनस्टिटूट (एन एम आई), नीदरलैंड द्वारा जारी माँदल 305 का प्रमाण पत्र के साथ उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई तस्वीर देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के अन्वये में अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न मापों के लिए उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (3) और उप-धारा (7) और उप-धारा (8) के अन्वये परन्तु द्वारा शक्तियों को प्रयोग करते हुए मैसर्स फॉर हरमैन, राउट डे बोनटेबल, 72400 ला फर्टे- ब्रनाई फ्रांस द्वारा विनिर्मित "लिविक्ड टीजेडएन, हेजिफ्ल्यू टीएलएम" शृंखला का एक मापन ट्रांसड्यूसर (टरबाइन मीटर) जिसका उद्देश्य परिशुद्धता श्रेणी 0.3 की मापन प्रदान करने का भाग के रूप में उपयोग किया जाता है जो "पानी के अलावा अन्य द्रवों हेतु मापन सिस्टम" का एक भाग है, जिसके ब्राण्ड का नाम "फॉर हरमैन" है (जिसे इसमें इसके पश्चात् उक्त माडल कहा गया है) के माडल का तथा भारत में मैसर्स लिक्विड कंट्रोल इंडिया प्राइवेट लिमिटेड 231-1 और 2, पोर-रामनगामडी, जीआईडीसी एरिया, पोर-391243, जिला बड़ौदा, गुजरात द्वारा विपणन किया गया है और जिसके मापन चिह्न आई एन डी/13/09/305 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी करती है।



उक्त मॉडल एक इलेक्ट्रॉनिक मेजरमेंट ट्रांसड्यूसर है जिसका प्रयोग पेट्रोलियम उत्पाद, हाइड्रोकार्बन्स, ऑइल प्रैसर लिक्विफाईड गैस, अल्कोहल, पोटेबल लिक्विड्स और लिक्विड कैमीकल इत्यादि के कस्टडी ट्रांसफर के लिए होता है और जो रोटेरी टरबाइन मेजरमेंट मीटर के सिद्धांत पर कार्य करता है, मुख्यतः सिलिण्डरीकल पाइप, फ्लेंगर के साथ वेकल्पिक लगाया गया है, 2 या 4 हैलीकाल्म एक रोटर सहित अन्दर की तरफ माउण्टेड है, प्लज जेनरेशन हेतु मेगनेट्स से जोड़ा गया है और सिगनल जेनरेशन के लिए 2 पिक आफ कोयल्स वाला है।

मेजरमेंट सेंसर की आवश्यक विशेषताएं निम्नलिखित हैं:-

TZN. family

Meter Type	Diameter [mm]	Q _{max} [m ³ /h]	MMQ [L]
TZ-25	25	2 to 5	5 to 10
TZ-12	32	8 to 20	10 to 50
TZ-40	40	8 to 20	20 to 50
TZ-50	50	30 to 70	50 to 100
TZ-80	80	70 to 150	100 to 200
TZ-100	100	200 to 300	200 to 500
TZ-150	150	400 to 600	500 to 1000
TZ-200	200	800 to 1000	1000
TZ-250	250	1200 to 2000	1000 to 2000
TZ-300	300	2400 to 3000	2000
TZ-350	350	3500	5000
TZ-400	400	4000	5000
TZ-450	450	4800	5000
TZ-500	500	6000	10000

Heliflu TLM

Meter Type	Diameter [mm]	Q _{max} [m ³ /h]	MMQ [L]
TLM3	80	30 to 150	50 to 200
TLM4	100	70 to 300	100 to 500

इसका परिचालन तापमान रेंज -30° से. से +180° से. के बीच होता है। अधिकतम परिचालन दाब 250 बार टी जेड टाइप मीटर के लिए और 160 बार टी एल एम टाइप मीटर के लिए है। उपकरण 220 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

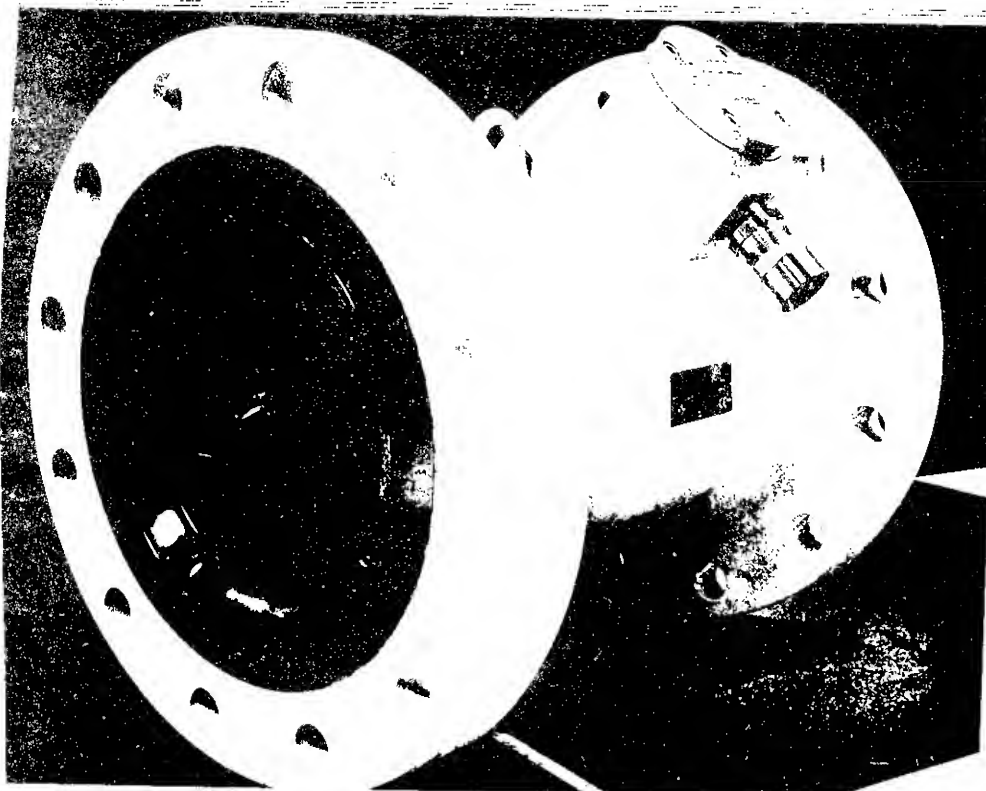
[फा. सं. डब्ल्यू एम-21 (229)/2008]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 8th April, 2010

S.O. 1114.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, along with the Model approval certificate issued by the Netherlands Meetinstituut (NMI), Netherlands, is satisfied that the model described in the said report (see the figure given below), is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by the third proviso to sub-section (3) and sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of model of a measurement transducer (turbine meter) intended to used as part of "Measuring system for liquids other than Water" with brand name 'Faure Herman' and of series "Heliflu TLN, Heliflu TZM" series of accuracy class 0.3 (hereinafter referred to as the model), manufactured by M/s. Faure Herman, Route de Bonnetable, 72400 La Ferte- Bernard, France and marketed in India by M/s. Liquids Control India Private Limited, 231-1&2, Por-Ramangamadi, GIDC Industrial Area, Por-391243, Baroda, Gujarat and which is assigned the approval mark IND/13/09/305



The said model is an electronic measurement transducers used for custody transfer of petroleum products, hydrocarbons, under pressure liquefied gases, alcohol, potable liquids and liquid chemicals etc. and working on the principle of rotary Turbine measurement sensor mainly consists of cylindrical pipe, optionally fitted with Flanges, mounted inside a Rotor with or 4 helical vanes which are equipped with a set of magnets for pulse generation and 2 pick off coils for signal generation.

The essential characteristics of measurement sensor is as follows:

TZ family

Meter Type	Diameter [mm]	Q _{max} [m ³ /h]	MMQ [L]
TZ-25	25	2 to 5	5 to 10
TZ-32	32	8 to 20	10 to 50
TZ-40	40	8 to 20	20 to 50
TZ-50	50	30 to 70	50 to 100
TZ-80	80	70 to 150	100 to 200
TZ-100	100	200 to 300	200 to 500
TZ-150	150	400 to 600	500 to 1000
TZ-200	200	800 to 1000	1000
TZ-250	250	1200 to 2000	1000 to 2000
TZ-300	300	2400 to 3000	2000
TZ-350	350	3500	5000
TZ-400	400	4000	5000
TZ-450	450	4800	5000
TZ-500	500	6000	10000

Helical TLM

Meter Type	Diameter [mm]	Q _{max} [m ³ /h]	MMQ [L]
TLM3	80	30 to 150	50 to 200
TLM4	100	70 to 300	100 to 500

The temperature range ambient is -30° C to + 180° C. The maximum operating pressure is max. 250 bar, For TZ type Meters and 160 bar for TLM Type Meters. The instruments operates on 230V, 50 Hz alternative current power supply for 24V DC.

[E. No. WM-11/2291/2008]

B.N. Dixit, Director, Legal Metrology

नई दिल्ली, 8 अप्रैल, 2010

का.आ. 1115.—केन्द्रीय सरकार का, विहित प्राधिकारी नीदरलैंड मोटिनस्ट्रूट (एन एम आई), नीदरलैंड द्वारा जारी मॉडल अनुमोदन प्रमाणपत्र के साथ उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (3) और उप-धारा (7) और उप-धारा (8) के तिसरे परन्तुक द्वारा शक्तियों का प्रयोग करते हुए मैसर्स फॉर हरमैन, राउट डे बोनटेबल, 72400 ला फर्टे-ब्रनार्ड फ्रांस द्वारा विनिर्मित "एफएच 8400" शृंखला का एक मापन सेंसर (अल्ट्रासोनिक सेंसर) जिसका उद्देश्य परिशुद्धता श्रेणी 0.3 की मापन प्रणाली के भाग के रूप में उपयोग किया जाता है जो "पानी के अलावा अन्य द्रवों हेतु मापन सिस्टम" का एक भाग है, जिसके ब्राण्ड का नाम "फॉर हरमैन" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) के मॉडल का तथा भारत में मैसर्स लिक्विड कंट्रोल इंडिया प्राइवेट लिमिटेड, 231-1 और 2, पोर-रामनगामडी, जोआईडीसी एरिया, पोर-391243, जिला बड़ौदा, गुजरात द्वारा विपणन किया गया है और जिसे अनुमोदन चिह्न आई एन डी/13/09/306 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी करती है।



उक्त मॉडल एक इलेक्ट्रॉनिक मैट्रिक्स इयूसर है जिसका प्रयोग पेट्रोलियम उत्पाद लिक्विड कैमीकल्स और चिपचिपाहट/विसकोसिटी 0.5 mm²/s से अधिक की श्रेणी में कार्य करता है। मीटर की निम्नलिखित विशेषता है :-

Diameter	Min. measured quantity	Max. kinetic viscosity	Flow rate		Minimum Reynolds Number
			Min. [m ³ /h]	Max. [m ³ /h]	
150mm	1	25	60	600	20000

इसका तापमान रेंज -25° से. से +55° से. है। अधिकतम परिचालन दाय 150 बार है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय या 24 वी डीसी पर कार्य करता है। ओआईएमएल आर 117 के अनुसार मॉडल का परीक्षण किया गया है।

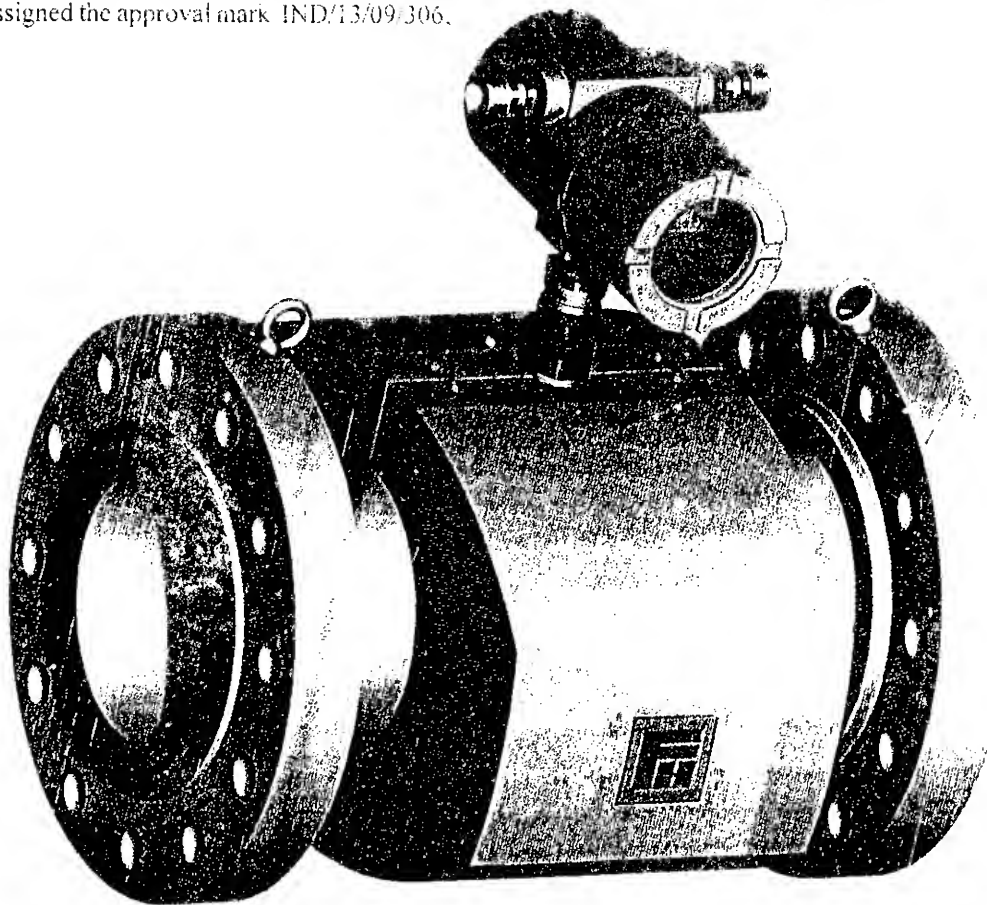
[फा.सं. डब्ल्यू एम 21(229)/2008]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 8th April, 2010

S.O. 1115.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, along with the Model approval certificate issued by the Netherlands—Netherlands (NMI), Netherlands, is satisfied that the model described in the said report (see the figure given below), is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by the third proviso to sub-section (1) and sub-sections (5) and (8) of Section 36 of the said Act, the Central Government hereby issues and grants the certificate of approval of the model of a measurement sensor (Ultrasonic Sensor) intended to used as part of "Flowmeters system for liquids other than Water" with brand name 'Faure Herman' and of series "FHS400" series of accuracy class 0.5 (merchandise reference model), manufactured by M/s. Faure Herman, Route de Bonnetable, 72400 La Ferté-Bernard, France and marketed in India by M/s. Liquids Control India Private Limited, 231-1 and 2, Por-Ramaneemadi, GIDC, Vastani Area, Por-MV146, Haroon, Gujarat and which is assigned the approval mark IND/13/09/306.



The said model is an electronic measurement transducers used for custody transfer of petroleum liquid and liquid chemicals and potable liquids with viscosities between 0.5 mPa/s and 25 mPa/s and working on the principle of ultrasonic transit time method. The meter has following characteristics.

Diameter	Min. measured quantity	Max. kinetic viscosity	Flow rate		Maximum pressure
			Min. [m ³ /h]	Max. [m ³ /h]	
150mm	1	25	60	600	150 bar

The temperature range ambient is 25°C to + 55°C. The maximum operating pressure is 150 bar. The instrument operates on 230 V, 50 Hz alternative current power supply or 24 V DC. It has been tested according to OIML R111 specifications.

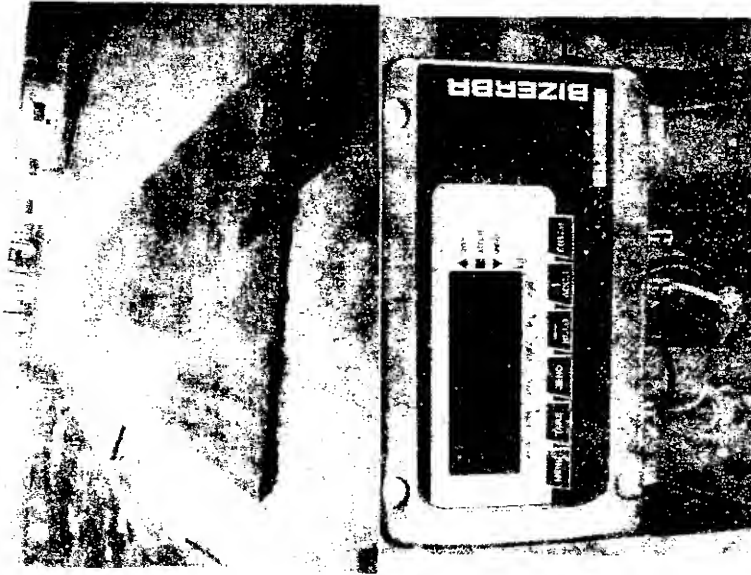
(P. No. WM-2010/11/0001)
Sd/- (Signature) Director of Legal Metrology

नई दिल्ली, 8 अप्रैल, 2010

का.आ. 1116.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अद्य, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स बिजेब्रा इंडिया प्रा.लि., 27 एकड़ प्रताप कोठारी कंपाउंड नं. 3, टिकूजी नौ वाडी के सामने, मानपाड़ा, थाणे (वेस्ट)-400 610 महाराष्ट्र द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले "बी जेड-डब्ल्यू बी" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (ब्रेविज प्रकार) के मॉडल का, जिसके ब्रांड का नाम "बिजेब्रा" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन क्रिह आई एन डी/09/08/215 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है ;

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण है । इसको अधिकतम क्षमता 60 टन और न्यूनतम क्षमता 400 कि.ग्रा. है । सत्यापन मापमान अन्तराल (ई) 20 कि.ग्रा. है । इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है । प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है । उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है ।



आकृति-2 उपकरण के मॉडल का सीलिंग प्रावधान

स्टाम्प और सील के सत्यापन के लिए इंडीकोटर के बाटम में कवर को काट कर दो छेद बना कर इन्हें लीडिड वायर से कसा जाता है । सील से छेड़छाड़ किए बिना इंडीकोटर खोला नहीं जा सकता । मॉडल की सीलिंग व्यवस्था का एक विशिष्ट स्कीम आधारित डायग्राम ऊपर दिया गया है ।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अन्तराल (एन) सहित 5 टन से 200 टन तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^3 , 2×10^3 , 5×10^3 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं ।

[फा. सं. डब्ल्यू एम-21(100)/2008]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 8th April, 2010

S.O. 1116.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Weighbridge type) with digital indication of medium accuracy (Accuracy class-III) of series "B7-WB" and with brand name "BIZERBA" (hereinafter referred to as the said Model), manufactured by M/s. Bizerba India Pvt. Ltd., 27 Acres Prasad Kothari Compound No. 3, Opp. Tikuji Ni Wadi, Munpada, Thane (W)-400 610, Maharashtra and which is assigned the approval mark INF/09/02/215;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Weighbridge type) with a maximum capacity of 60 tonne and minimum capacity of 400 kg. The verification scale interval (e) is 20 kg. It is a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230 Volts / 50 Hertz alternative current power supply.

Figure-1 Model

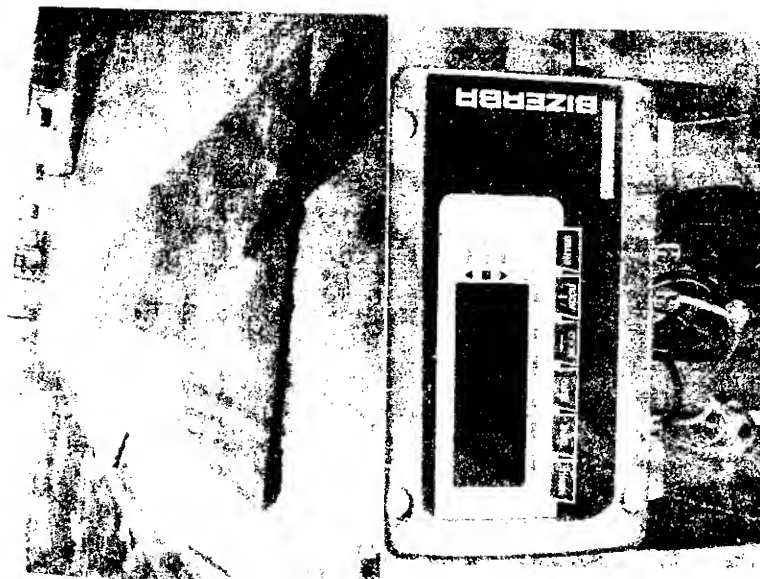


Figure-2—Sealing arrangement

At the bottom of the indicator cover two holes are made by cutting the cover and fastened by a leaded wire for receiving the verification stamp and seal. The instrument cannot be opened without tampering the seal. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 5 tonne and up to 200 tonne with verification scale interval (e) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured

[F. No. WM-21(100)/2008]

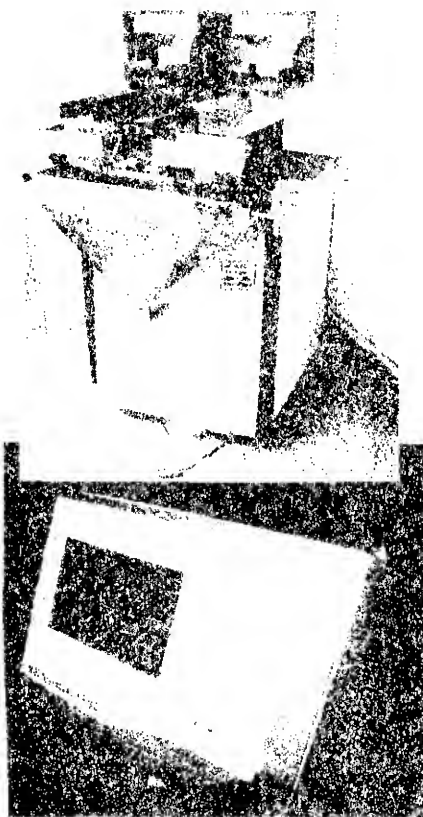
B. J. DIXIT, Director of Legal Metrology

नई दिल्ली, 9 मई, 2010

का आ. 1117.—केन्द्रीय सरकार का, विहित अधिनियमों द्वारा उक्त प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह सम्मान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) 102 और माप मापक अधिनियम, 1976 (1976 का 60) तथा भार और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुसार है और इस बात को संघात्मक है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उद्भूत सेवा प्रदान करेगा रहता;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (12) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स सेंसोग्राफ टेक्नॉलॉजी प्रा. लि., नं. 202, तिरुवर्ति इलेक्ट्रिकल एस्टेट, सुवाय नगर, मुंबई-400078 महाराष्ट्र द्वारा विनिर्मित यथार्थता वर्ग, X(2) वाले स्वचालित ग्रेविमेट्रिक फिलिंग उपकरण के मॉडल का, जिसके ब्रांड का नाम "सेंसोग्राफ" है (जिसे इसमें इसको पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन विह्व आर एच डी/00/18/2018 सम्पुर्णित किया गया है अनुमोदन प्रमाणपत्र जारी करती है:

उक्त मॉडल एक भार सेल आधारित स्वचालित ग्रेविमेट्रिक फिलिंग उपकरण है। इसकी अधिकतम क्षमता 2 कि.ग्रा. और न्यूनतम क्षमता 50 ग्रा. है। मापमान अन्तःकाल 1 ग्रा. है। उपकरण में एक फिलिंग क्वार्टर है। इसकी अधिकतम भारण दर 50 फिल./मिनट है। लिक्विड क्रिस्टल डिस्प्ले (एल सी डी) प्रदर्श तालन प्रणाली उपरिष्ठित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



आकृति-2 इंडोकोटर के मॉडल का मॉलिंग प्रबन्धन

डिस्पले के बेस और टॉप कवर में से सीलिंग कार्टर निकाल कर डिस्पले के टॉप पर सीलिंग को जाती है ताकि सीलिंग के बाद सील हटाए बिना डिजिटल को खोला न जा सके। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माण द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के जैसे ही वेक, यथार्थता और कार्यपालन के तालन उपकरण भी होंगे जो 1 कि.ग्रा. से 50 कि.ग्रा. तक की रेंज में हैं।

[फा. सं. डब्ल्यू एम-21(185)/2008]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 9th April, 2010

* 2-1117.—Whereas the Central Government, after considering the report of the Director of Standards, has been satisfied that the model described in the said report (see the figure on page 1212) conforms to the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Rules made thereunder (the Standards of Weights and Measures (Models) Rules, 1987) and the said Model is likely to maintain its accuracy and performance under varied conditions;

and whereas, therefore, in exercise of the powers conferred by sub-section (12) of Section 3 of the said Act, the Central Government hereby issues and publishes the certificate of approval with No. 2-1117, of the said model, belonging to Accuracy Class X (2) with brand 'SENSOGRAPH' manufactured by M/s. Sersograph Packaging Technology Private Limited, 101/207, Hiranagar, Goregaon East, Mumbai-400078, Maharashtra and which is assigned the approval mark with No. 2-117.

The said model is a load cell based Automatic Gravimetric Filling machine. Its nominal capacity is 50g. The value of scale interval is 1g. The instrument has one 914g pan and the maximum weight is 500g. The Liquid Crystal Diode (LCD) display indicates the weighing result. The instrument is powered by a 230V AC, 50Hz, 1A, 250W power supply.

Figure-1 Model



Weighing is done on the top of the display by passing wire in base and top of the display so that even the digital cover cannot be opened without removing the seal. A typical schematic diagram of the main principle of the model is given above.

Further, in exercise of the powers conferred by sub-section (12) of Section 3 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with capacity in the range of 1kg. to 50kg. or equivalent weight, manufactured by the same manufacturer in accordance with the same principle, designed with the same material and which have been approved Model has been manufactured.

(B. No. WMD-13/2008)

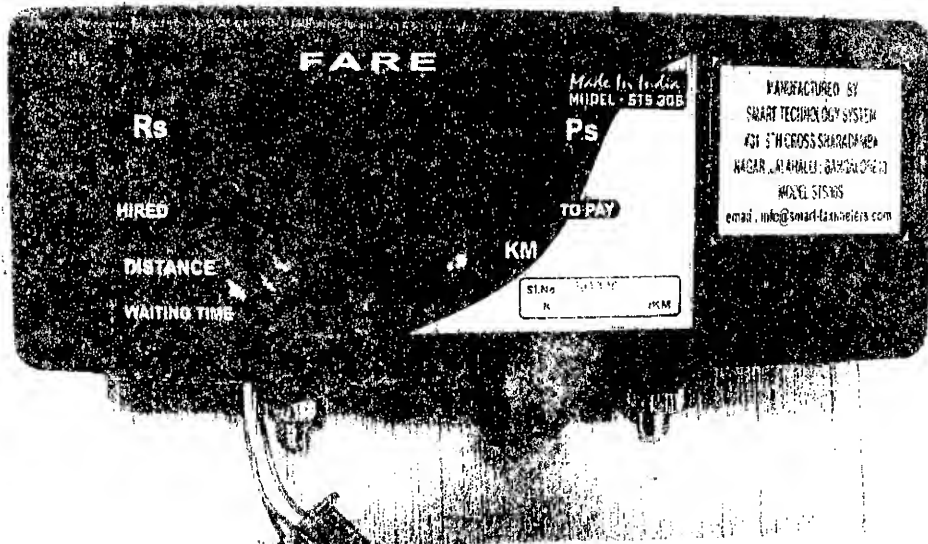
B. N. ENTE, Director of Legal Metrology

नई दिल्ली, 9 अप्रैल, 2010

क्र.आ. 1118.—केंद्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह सभाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) वाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा वाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केंद्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैक्स स्मार्ट टेक्नोलॉजी सिस्टम, नं. 31, 5वां सी क्रॉस, शाददाहम्बा नगर, जलहली, बंगलूर-560 013 द्वारा विनिर्मित "एसटीएस-305" मॉडल का अंकक सूचन सहित "टैक्सो/आटो फेयर मीटर (फ्लैग के बिना)" के मॉडल का, जिसके ब्रांड का नाम "स्मार्ट" है (जिसे इसमें इसको पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन दि. 09/08/190 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी करता है।

उक्त मॉडल "टैक्सो/आटो फेयर मीटर (फ्लैग के बिना)" मापन उपकरण है जो लगातार योग करता जाता है और यात्री द्वारा दंग भाड़े को यात्रा के दौरान कितनी भी समय दर्शाता है। सार्वजनिक याहन के यात्रियों द्वारा दंग भाड़ा, तय की गई दूरी और निर्धारित स्पीड से कम पर चलीता किए गए समय का फलन है जो प्राधिकृत शुल्क के अनुसार अनुपूर्क भाड़े से स्वतंत्र है। मीटर की लीडिंग प्रकाश उत्सर्जक टायोड (एन ई डी) द्वारा दर्शाते जाती है। टैक्सो मीटर का 'के' फेक्टर 2800 फ्लैस प्रति किलोमीटर पर चलता है।



आकृति-2 उपकरण के मॉडल का सीलिंग प्रावधान

अपूरण व्यवहार को रोकने के लिए मीटर के खुले पंच पर सील तार लगाकर सीलिंग की गई है। सील से छेड़छाड़ किए बिना किसी मीटर खोल नहीं जा सकता। मॉडल की सीलिंग व्यवस्था का योजनाबद्ध डायग्राम ऊपर दिया गया है।

[फा. सं. डब्ल्यू एम 21(93)/2008]

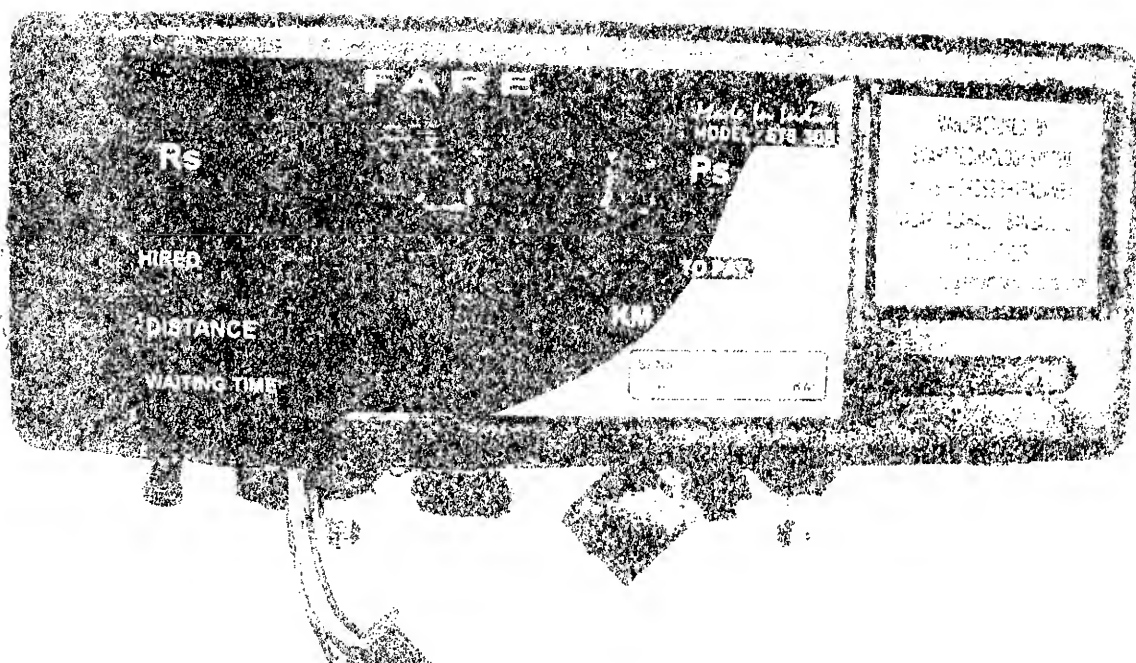
बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 9th April, 2010

NOTIFICATION.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Weights) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render efficient service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of "Taxi-Auto Fare Meter (without flag)" of "SLS 305" series with "i" and name "SMART" manufactured by M/s. Smart Technology Systems, No. 31, 5th C Cross, Shanti Nagar, Bangalore-560015, India, which is assigned the approval mark IND/G9.08-193.

The "operation" of "Taxi-Auto Fare Meter (without flag)" is a measuring mechanism which totalizes continuously and kinematically, at any moment of time, the charges payable by the passenger or a public vehicle as function of the distance travelled and below a certain speed on the length of the time taken. This being independent of supplementary charges according to the authorized tariffs. The reading of the meter is indicated by a light emitting diode (LED) "1000" factor. One kilometre is 2800 pulses per km/meter.



Sealing is done by affixing a sealing wire on the opening screw of the meter to avoid fraudulent usage. This meter cannot be opened without tampering the seal. A typical schematic diagram of sealing provision of the model is given above.

[F No. WMD-66/2010]

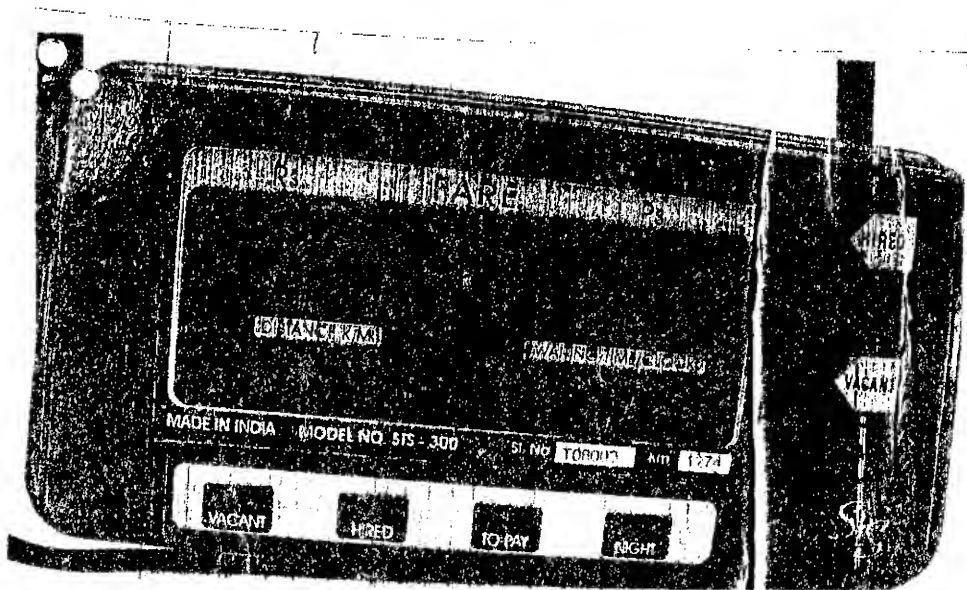
B & DIMF Director of Legal Metrology

नई दिल्ली, 9 अप्रैल, 2010

का.आ. 1119.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) वाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा वाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों का प्रयोग करते हुए, मैसर्स समार्ट टेक्नोलोजी सिस्टम, नं. 31, 5 सी क्रॉस, शारदादम्बा नगर, जलहली, बंगलोर-560 013 द्वारा विनिर्मित "एसटीएस-300" शृंखला के अंकक सूचन सहित "टैक्सी फेयर मीटर" के मॉडल का, जिसके ब्रांड का नाम "समार्ट" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/08/191 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल "टैक्सी फेयर मीटर" मापन उपकरण है जो लगातार योग करता जाता है और यात्री द्वारा देय भाड़े को यात्रा के दौरान किसी भी समय दर्शाता है। सार्वजनिक वाहन के यात्रियों द्वारा देय भाड़ा, तय की गई दूरी और निर्धारित स्पीड से कम पर व्यतीत किए गए समय का फलन है जो प्राधिकृत शुल्क के अनुसार अनुपूरक भाड़े से स्वतंत्र है। मीटर की रीडिंग प्रकाश उत्सर्जक डायोड (एल ई डी) द्वारा दर्शायी जाती है। टैक्सी मीटर का 'के' फेक्टर 1274 प्लसेस प्रति किलोमीटर पर चलता है।



आकृति-2 : उपकरण के मॉडल का सीलिंग प्रावधान

कपटपूर्ण व्यवहार को रोकने के लिए मीटर के खुले पेच पर सील तार लगाकर सीलिंग की गई है। सील से छेड़छाड़ किए बिना किराया मीटर खोला नहीं जा सकता। मॉडल की सीलिंग व्यवस्था का योजनाबद्ध डायग्राम ऊपर दिया गया है

[फा. सं. डब्ल्यू एम 21(98)/2009]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 9th April, 2010

S.O. 1119.—Whereas the Central Government, after considering the report submitted to it by the principal authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (69 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over a period of at least 1 year, to render a better service under varied conditions;

Now, therefore, in exercise of the power conferred by sub-sections (7) and (8) of section 36 of the said Act, the Central Government hereby issues the certificate of approval of the Model of "Taxi Fare Meter" with the indication (herein after referred to as the said Model) of "SIS-300" series with brand name "SMAVIT" manufactured by M/s. Samir Technology Systems, No. 31, 3rd Cross, Sharda Darbha Nagar, Jalandhri, District Amritsar 1430015, Punjab, as assigned the approval mark PND/09.08/191;

The said model of "Taxi Fare Meter" is a measuring instrument which totalizes cost, distance and waiting time fare, at any moment of journey, the charges payable by the passenger of a public vehicle, as function of the distance traveled, and below a certain speed on the length of the time taken; this being independent of supplementary charges according to the authorized tariff. The reading of the meter is indicated by Light Emitting Diode (LED). The resolution of the Taxi meter is 1270 pulses per kilometer.

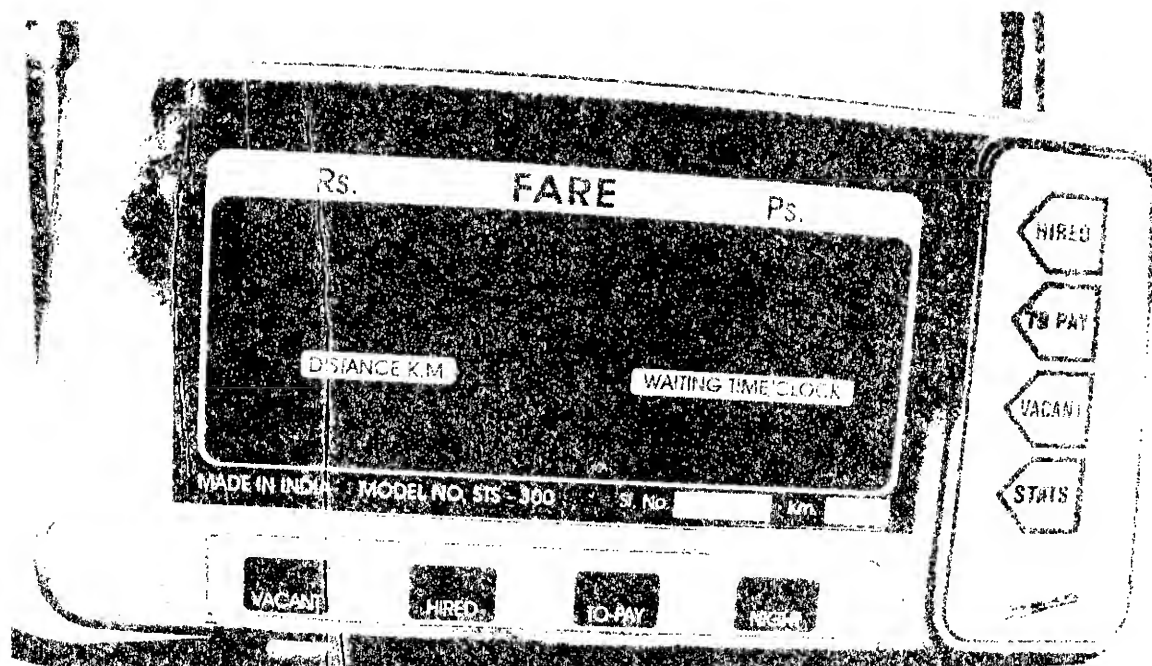


Figure-2. Schematic diagram of the sealing provision of the model.

Sealing is done by affixing a sealing wire on the opening screw of the meter. As the meter is not to be opened without tampering the seal. A typical schematic diagram of sealing provision of the model is given above.

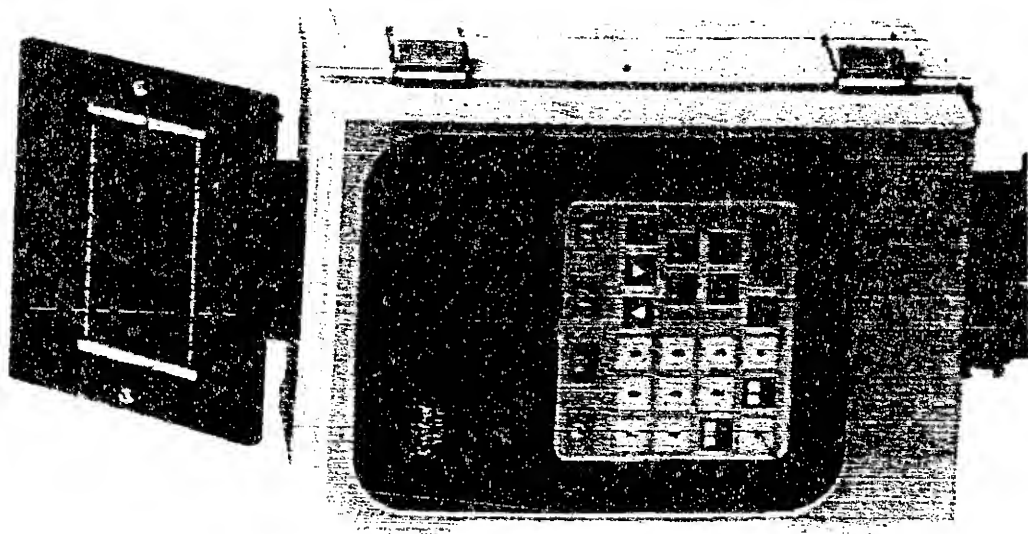
(F.No. WM-2198/2007)

B. N. DIXIT, Director of Legal Metrology

नई दिल्ली, 9 अप्रैल, 2010

का.आ. 1120.—केंद्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केंद्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (3), उप-धारा (7) और उप-धारा (8) के तहत परन्तुक द्वारा शर्तियों का प्रयोग करते हुए, मैसर्स रिमोट आटोमेशन सोल्यूशंस/इमरसन प्रोसेस मैनेजमेंट, 1100 बकिंगम स्ट्रीट, वाटरटाउन, मिशि 06975, यूएसए द्वारा विनिर्मित "कंट्रोलवेब माइक्रो" शृंखला के गैस फ्लो मीटर जो मापन सिस्टम का एक भाग है, जिसके ब्रांड का नाम 'क्रिस्टल' है (जिसे इसमें इसका पश्चात् उक्त मॉडल कहा गया है) के मॉडल का तथा जिसे मैसर्स रिमोट आटोमेशन सोल्यूशंस इंडिया आपरेशंस, ए एम ए के सामने, डा. सी.बी.एस. रोड, अहमदाबाद-380009 गुजरात द्वारा भारत में बिज्जी से पूर्व या बाद में बिना किसी परिवर्तन के विपणीत किया गया है और जिसे अनुमोदन चिह्न आई एन डी/09.08/345 सन्तुष्टित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।



आकृति-2 मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम

कंपूटर्ण व्यवहारों से बचने के लिए कंप्यूटर के प्रत्येक प्रवाह पर दिए गए छेदों में से स्कू और सीलिंग वायर निकाल कर सीलिंग और स्टामिंग की जाती है। सील से साथ छेड़छाड़ किए बिना उपकरण को खोला नहीं जा सकता। मॉडल को सीलबंद करने के उपबंध का एक प्रकृति योजनाबद्ध डायग्राम ऊपर दिया गया है।

उक्त मॉडल प्राकृतिक गैस फ्लो मापने का गैस फ्लो मीटर है जो मापन प्रणाली का एक भाग है। विंडो साइज 2.8 सें.मी. × 7.9 सें.मी. है और डायमेंशन 18.8 सें.मी. × 14.4 से.मी. के साथ करेक्टर साइज 4 मि.मी. × 3 मि.मी. है। मीटर में पावर की खपत 2.5mA @ 3.3V (0.008 वाट्स) और परिचालन तापमान -20 से 70° सें. है।

[फा. सं. डब्ल्यू एम-21(188)/2008]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 9th April, 2010

5.3. 1120.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below, is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions:

Now, therefore, in exercise of the powers conferred by the third proviso to sub-section (2), sub-section (1) and sub-section (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of Model of Gas Flow Meter intended to be used as a part of a measuring system with brand name "BRISCO" and of series "Controlwave Micro" series (hereinafter referred to as the model), manufactured by M/s. Remote Automation Solutions/Emerson Process Management, 1100 Buckingham Street, Watertown, CT 06795, USA and marketed in India without any alteration before or after sale by M/s. Remote Automation Solutions India Operations, Opp. ANA, Dr. V. S. Road, Ahmedabad-380009, Gujarat and which is assigned the approval mark IND-09-08/145:



Figure-2—Sealing provision

The sealing and stamping is done to stop the fraudulent practices by screw and sealing wire passed through the holes provided on each flow computer. The instrument can not be opened without tampering the seal. A typical schematic diagram of sealing provision of the model is given above.

The said model is a gas flow meter intended to be used as a part of a measuring system for natural gas flow measurement. The window size is 2.8cm × 7.9cm and character size is 4mm × 3mm with dimensions 18.8cm × 14.4cm. The power consumption in the meter is 2.5mA @ 3.3V (0.008 watts) and operating temperature -20 to 70°C.

[F.No. WM-21(188)2008]

B. N. DIXIT, Director of Legal Metrology

भारतीय मानक ब्यूरो

नई दिल्ली, 9 अप्रैल, 2010

क्रा.आ. 1121.— भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उप-नियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए हैं :—

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक (कों) की संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1.	आईएस 10278 : 2009/आई एस ओ 7117 : 1995 मोटर साइकिल-अधिकतम गति का मापन (तीसरा पुनरीक्षण)	10278 : 2002	31 दिसम्बर, 2009

इस भारतीय मानक की प्रतियां भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002 क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, कागपुर, पटना, पुणे तथा तिरुवनन्तापुरम में विक्री हेतु उपलब्ध हैं।

[संदर्भ: टी ई डी/जी-16]

टी. वी. सिंह, वैज्ञानिक 'एफ' एवं प्रमुख (टी ई डी)

BUREAU OF INDIAN STANDARDS

New Delhi, the 9th April, 2010

S.O. 1121.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :

SCHEDULE

Sr. No.	No. & Year of the Indian Standards Established	No. & year of Indian Standards, if any, Superseded by the New Indian Standard	Date of Established
(1)	(2)	(3)	(4)
1.	IS 10278 : 2009/ISO 7117:1995 Motorcycles Measurement of maximum speed (third revision)	10278 : 2002	31 Dec. 2009

Copy of this Standard is available for sale with the Bureau of Indian Standards, Mank Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref: TED/G-16]

T. V. SINGH, Sc. 'F' & Head (Transport Engg.)

नई दिल्ली, 9 अप्रैल, 2010

का.आ. 1122.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम, 1988 के विनियम 4 के उप-विनियम (5) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन लाइसेंसों के विवरण नीचे अनुसूची में दिए गए हैं, वे स्वीकृत कर दिए गए हैं :-

अनुसूची

क्रम सं.	लाइसेंस संख्या	स्वीकृत करने की तिथि	लाइसेंसधारों का नाम व पता	भारतीय मानक का शीर्षक	भा.मा.सं. भाग/ उपग्रह/वर्ष
(1)	(2)	(3)	(4)	(5)	(6)
1	7996619	23-12-2009	अल्लायड इंस्ट्रुमेंट्स यूनिट सं. 30,3701, गणपति पाडा इण्ड. एरिया, कलवा,- थाणे-400605	सीमेंट और कंक्रीट के परीक्षण में उपयोग के लिए मोल्डस	10086 : 1982
2	7997621	11-01-2010	सॉलिटेयर बेवरेज गला सं. डी-7/1, वाग्ले इण्ड. इस्टेट, रोड सं. 33 इंदिरा नगर, थाणे, पश्चिम-400604	पैकेजबंद पीने का पानी (पैकेजबंद प्राकृतिक मिनरल जल के अलावा)	14543 : 2004

[संख्या: केंद्रीय प्रमाणन विभाग/13/11]

सी. के. महेश्वरी, वैज्ञानिक 'जी' (प्रमाणन)

New Delhi, the 9th April, 2010

S.O. 1122.—In pursuance of sub-regulation (5) of the regulation 4 of the Bureau of Indian Standards (Certification) Regulations 1988, the Bureau of Indian Standards, hereby notifies the grant of licences particulars of which are given below in the following Schedule :

SCHEDULE

Sl. No.	Licences No.	Grant Date	Name & Address (factory) of the Party	Product	IS No./Part/Sec	Year
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1.	7996619	23-12-2009	Allied Instruments Unit No. 30, 3701, Ganpati Pada Indl. Area, Kalwa. THANE- 400605	Moulds for use in tests of Cement and Concrete	10086 : 1982	
2.	7997621	11-01-2010	Solitaire Beverages Gala No. D-7/1, Wagle Industrial Estate, Road No. 33, Indira Nagar, Thane- (W) 400604	Packaged Drinking Water (Other than Packaged Natural Mineral Water)	14543 : 2004	

[No. CM/13/11]

C. K. MAHESHWARI, Sec. (C) (Certification)

नई दिल्ली, 9 अप्रैल, 2010

का. आ. 1123.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम 1988 के विनियम 4 के उपविनियम (5) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन लाइसेंसों के विवरण नीचे अनुसूची में दिए गए हैं, वे स्वीकृत कर दिए गए हैं :

अनुसूची

क्रम सं.	लाइसेंस संख्या	स्वीकृत करने की तिथि	लाइसेंसधारी का नाम व पता	भारतीय मानक का शीर्षक	भागांश, भाग	खंड	वर्ष	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8) (9)	
1.	7957609	08-10-2009	बालपोड वैली बोतानिकल प्रा. लि. एच सं. 26, सिग्ने-नगर गांव, बालपोड, सततारे, गोवा-403 506	पैकेजबंद पीने का पानी (पैकेजबंद प्राकृतिक मिनरल जल के अलावा)	14543	-	-	2004
2.	7969313	09-10-2009	ओम अक्वा प्रोडक्ट्स, गट सं. 228, विलेज : बुधावली, पोस्ट : खुपरी, वाडा, जिला : थाने 421 312	पैकेजबंद पीने का पानी (पैकेजबंद प्राकृतिक मिनरल जल के अलावा)	14543	-	-	2004
3.	7976411	01-10-2009	इंटरनेशनल पैकेजिंग प्रोडक्ट्स प्रा. लि. सर्वे सं. 380/2, दापडा गांव दादरा और नगर हवेली, सिलवासा-396 230	बस्त्रादि उच्च घनत्व पॉलीथिलीन से बुने कपड़े से बना टरपुलीन	7903	-	-	2005
4.	7978213	15-10-2009	जैन एग्रो इंडस्ट्रीज प्लॉट सं. 39, डीआईडीसी, मणिपुर गणजद, डहाणू रोड, जिला थाने-401 602	पैकेजबंद पीने का पानी (पैकेजबंद प्राकृतिक मिनरल जल के अलावा)	14543	-	-	2004
5.	7978819	14-10-2009	रितविज फूड एवं बेवरेजेज प्रा. लि. बी-34, गने खदपोली इंडस्ट्रीयल एरिया, एम आई डी सी, चिपलून, जिला-रत्नागिरी	पैकेजबंद पीने का पानी (पैकेजबंद प्राकृतिक मिनरल जल के अलावा)	14543	-	-	2004
6.	7979518	14-10-2009	दि सुप्रीम इंडस्ट्रीज लि. यूनिट 3, गट सं. 47, 47/2, 48 रो 50, 55 से 66, 69, 70, 72 एवं 73 जलगांव औरंगाबाद स्टेट हायवे, पोस्ट : गडेगांव, जामनेर, जिला-जलगांव-425 114	सिंचाई उपस्कर-सेचकपाईप-भाग 2-शीघ्र युग्मक-पॉलीथिलीन पाईप	14151	(भाग 2)	:	1999
7.	7979821	09-10-2009	नीलीकॉन फूड डाईज एवं केमिकल्स लि. प्लॉट सं. 17, एमआईडीसी, धातव, रोहा, जिला : रायगढ़-402 116	सलिष्ट खाद्य रंग-निर्मितियाँ और मिश्रण	5346	-	-	1994
8.	7980604	19-10-2009	जे. जे. फूड एग्रो टेक प्रा. लि. बी-10, (एच पी गैस फिलिंग स्टेशन के सामने) एमआईडीसी, भालेगांव सिन्नर, जिला : नासिक-422 113	पैकेजबंद पीने का पानी (पैकेजबंद प्राकृतिक मिनरल जल के अलावा)	14543	-	-	2004

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
9.	797608	18-09-2009	अल्फा इंडस्ट्रीज तंभोली जीन कंपाउण्ड, टीवी सेक्टर को दक्षदीक, अमलनेर जिला : जलगांव-125 401	पैकेंजबंद पीने का पानी, एकलपूर प्राकृतिक मिमरल वटर प्रो. अलगाव,	14548	-	-	2009
10.	7978011	23-09-2009	पारू कॉमिक्स इंडस्ट्रीज प्लॉट नं. 36-37 को-ऑपरेटिव इंडस्ट्रियल एस्टेट, मयाने (बोंक), मालेगांव, जिला नासिक-423 203	उत्कर्षक पाईप सिस्टम	14549	-	-	1992

(न.म.प.न.डॉ. 11)

श्री. क. प्रदीप, इलुस्ट्रेशन ऑफिस (अमलनेर)

New Delhi, the 9th April, 2010

S.O. 1123.—In pursuance of sub-regulation (5) of regulation 4 of the Bureau of Indian Standards, (BIS) (amendment) Regulations 1988, the Bureau of Indian Standards, hereby notifies the grant of licences particulars of which are given below in the following Schedule :

SCHEDULE

Sl. No.	Licences No.	Grant Date	Name & address (factory) of the Party	Product	IS No.	Part	Sec.	Year
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1.	7957609	08-10-2009	Volpoi Valley Botanicals Pvt. Ltd. H. No. 26, Shingne-Nagargaon, Valpoi Santari, GOA-403 506	Packaged Drinking Water (Other than Packaged Natural Mineral Water)	14543	-	-	2001
2.	7969311	09-10-2009	Om Aqua Products Gut No. 228, Village : Budhavali, Post : Khupari Wada, Dist Thane-421 312	Packaged Drinking Water (Other than Packaged Natural Mineral Water)	14543	-	-	2001
3.	7976411	01-10-2009	International Packaging Products Pvt. Ltd., Survey No. 380/2, Village Dapada Silvassa, Dadra & Nagar Haveli-356 250	Textiles-Tarpaulins Made From High Density Polyethylene Woven Fabric	7981	-	-	2007
4.	7978211	15-10-2009	Jain Agro Industries Plot No. 39, D.I.D.C, Manipur, Ganjad Dananu Road, Dist Thane-421 602	Packaged Drinking Water (Other than Packaged Natural Mineral Water)	14543	-	-	2001
5.	7978819	14-10-2009	Ritvi Foods & Beverages, Pvt. Ltd., B-54, Gane Khadpoli Industrial Area, MIDC, Chiplun, Dist Ratnagiri	Packaged Drinking Water (Other than Packaged Natural Mineral Water)	14543	-	-	2001

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
6.	7979518	14-10-2009	The Supreme Industries Ltd, Unit 3, Gat No. 47, 47/2, 48 to 50, 55 to 66, 69, 70, 72 & 73 Jalgaon, Aurangabad State Highway, At post Gadegaon, Jamner, Dist Jalgaon-425 114	Irrigation Equipment-Sprinkler Pipes : Part 2:Quick Coupled Polyethylene Pipes	14151 (Pt 2):			1999
7.	7979821	09-10-2009	Neelikon Food Dyes & Chemicals Ltd, Plot No. 17, MIDC, Dhatav, Roha. Dist Raigad-402 116	Synthetic Food Colour-Preparations & Mixtures	5346	-	-	1994
8.	7980604	19-10-2009	J.J. Food Agro Tech Pvt. Ltd., B-10 (Opp HP Gas Filling Station), MIDC, Malegaon, Sinnar, Dist. Nashik-422 113	Packaged Drinking Water (Other than Packaged Natural Mineral water)	14543	-	-	2004
9.	7976108	18-09-2009	Alfa Industries Tamboli Gin Compound, Near T.V. Centre, Amalner Dist Jalgaon-425 401	Packaged Drinking Water (Other than Packaged Natural Mineral water)	14543	-	-	2004
10.	7978011	23-09-2009	Maru Chemical Industries Plot No. 36-37 Co-Operative Indl. Estate, Sayane (Bk), Malegaon, Dist Nashik-423 203	Emitting pipe System	13488	-	-	1992

[No. CMD/13:11]

C. K. MAHESHWARI, Sc. "G" (Certification)

नई दिल्ली, 12 अप्रैल, 2010

का.आ. 1124.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम, 1988 के विनियम (5) के उपविनियम (6) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि निम्न विवरण वाले लाइसेंसों को उनके आगे दर्शायी गई तारीख से रद्द/स्थगित कर दिया गया है :-

अनुसूची

क्रम संख्या	लाइसेंस सं. सीएम/एल	लाइसेंसधारी का नाम व पता	लाइसेंस के अंतर्गत वस्तु/प्रक्रम सम्बद्ध भारतीय मानक का शीर्षक	रद्द करने की तिथि
(1)	(2)	(3)	(4)	(5)
1.	7380879	साईबा इंडस्ट्रीज प्लॉट सं. 27, एमआइडीसी इ इंडस्ट्रियल एरिया, कुलगौव, (बदलापुर) अंबरनाथ, जिला थाणे-421 503	सिमेंट पेन्टस भासा 5410 : 1992	08-01-2010
2.	7697609	पन्नीलोन बेवरेजेज सर्वे सं. 63, संजर छाया आश्रम के सामने, कामन भिवण्डी रोड, सागपाडा-देवदत्त वसई, (पूर्व) जिला थाणे-401 208	पैकेजबंद पीने का पानी (पैकेजबंद प्राकृतिक मिनरल जल के अलावा) भासा 14543 : 2004	15-12-2009

[सं. सीएमडी/13 : 13]

सी. के. महेश्वरी, वैज्ञानिक 'जी' (प्रमाणन)

New Delhi, the 12th April, 2010

S.O. 1124.—In pursuance of sub-regulation (6) of regulation 5 of the Bureau of Indian Standards (Certification) Regulations 1988, the Bureau of Indian Standards, hereby notifies that the licences particulars of which are given in the following Schedule have been cancelled with effect from the date indicated against each :

SCHEDULE

Sr. No.	License No.	Name and Address of the Licensee	Article/Process with relevant Indian Standards covered by the licence cancelled	Date of cancellation
(1)	(2)	(3)	(4)	(5)
1.	7380879	Saiba Industries Plot No. 27, MIDC Industrial Area, Kulgaon (Badlapur) Ambernath Distt. Thane 421503	Cement Paint IS: 5410: 1992	08-01-2010
2.	7697609	Pappillon Beverages Survey No. 53, Opp Shejar Chhaya Ashram, Kaman Bhiwandi Road, Sagpada-Devdal Vasai (E), Dist Thane 401208	Packaged Drinking water (Other than packaged natural mineral water) IS: 14543: 2004	15-12-2009

[No. CMD 13.13]

C.K. MAHESHWARI, Secy "G" (Certification)

नई दिल्ली, 12 अप्रैल, 2010

क्र. अ. 1125.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम 1988 के नियम 4 के उपविनियम (5) के अनुसरण में भारतीय मानक ब्यूरो एतद्द्वारा अधिसूचित करता है कि जिन लाइसेंसों के विवरण नीचे अनुसूची में दिए गए हैं, वे रद्दीकृत कर दिए गए हैं :

अनुसूची

क्रम सं.	लाइसेंस संख्या	स्वीकृत करने की तिथि वर्ष/माह	लाइसेंसधारी का नाम व पता	भारतीय मानक का शीर्षक	भामा सं. भाग	अनु. वर्ष
(1)	(2)	(3)	(4)	(5)	(6)	(7) (8) (9)
1.	सीएम/एल 3306141	06-01-2010	राश्री इंजीनियरिंग इंडस्ट्रीज लि. 39 और 40/2, गौडनफल्या, सुब्रमण्यापुरा रोड, बेंगलूर अरधन बेंगलूर कर्नाटक-560061	फायर होस डिस्चार्ज कंट्रोलिंग, ब्रांच पाईप, नोजलस एंड नोजल स्पैनर	भामा 903	- - 1989
2.	सीएम/एल 3304840	07-01-2010	राजलक्ष्मी ज्वेलर्स गणपति कॉम्प्लेक्स, नियर, सीन्डिकेट बैंक, सदाशिवगढ़ कारवार उत्तर कर्नाडा कर्नाटक-581352	स्वर्ण तथा स्वर्ण मिश्र धातुएँ, आभूषण/कार्यकारी शुद्धता एवं मार्किंग	भामा 1417	- - 1989
3.	सीएम/एल 3307445	11-01-2010	जोत्तरिया एसमेराल्डा, दुकान नं. 5, न्यूक्लिअस रामलिंगहिंड, स्ट्रीट, बेंलगाम-590002, कर्नाटक	स्वर्ण तथा स्वर्ण मिश्र धातुएँ, आभूषण/कार्यकारी शुद्धता एवं मार्किंग	भामा 1417	- - 1989

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
4.	सीएम/एल 3307344	12-01-2010	अर्जुन ज्वेलर्स एन.आर.रोड, न्युपेट, आनेकल, बेंगलूरूरूरल, बेंगलूरूरूर, कर्नाटक-562106	स्वर्ण तथा स्वर्ण मिश्र धातुएँ, आभूषण/कार्यकारी शुद्धता एवं मार्किंग	भामा 1417	-	-	1999
5.	सीएम/एल 3307243	13-01-2010	बालाजी ज्वेलर्स मंडीपेट, तुमकूर, कर्नाटक-572101	स्वर्ण तथा स्वर्ण मिश्र धातुएँ, आभूषण/कार्यकारी शुद्धता एवं मार्किंग	भामा 1417	-	-	1999
6.	सीएम/एल 3309247	18-01-2010	कोरल अक्वा टैक नं. 85, 5वां क्रॉस, विडिया लेआउट, चंद्रा लेआउट बेंगलूरूरूर-560079 कर्नाटक	पैकेजबंद पेयजल (पैकेजबंद मिनरल जल के अलावा)	भामा 14543	-	-	2004
7.	सीएम/एल 3310636	21-1-2010	संदीप ज्वेलर्स नं. 145/10, रंगनाथा मैशन, अवेन्यु रोड, बेंगलूरूरूररररन, बेंगलूरूरूर, कर्नाटक-560002	स्वर्ण तथा स्वर्ण मिश्र धातुएँ, आभूषण/कार्यकारी शुद्धता एवं मार्किंग	भामा 1417	-	-	1999
8.	सीएम/एल 3310737	21-1-2010	मार्लेचा महल ज्वेलर्स नं. 164, अवेन्यु रोड, बेंगलूरूरूररररन, बेंगलूरूरूर, कर्नाटक-560002	स्वर्ण तथा स्वर्ण मिश्र धातुएँ, आभूषण/कार्यकारी शुद्धता एवं मार्किंग	भामा 1417	-	-	1999
9.	सीएम/एल 3312337	27-1-2010	एस. एम. ज्वेलर्स पहला क्रॉस रोड, रोबर्टसनपेट, केजीएफ, कोलार, कर्नाटक-563122	स्वर्ण तथा स्वर्ण मिश्र धातुएँ, आभूषण/कार्यकारी शुद्धता एवं मार्किंग	भामा 1417	-	-	1999
10.	सीएम/एल 3313642	27-1-2010	स्टोवक्राफ्ट प्राईवेट लिमिटेड नं. 81/1, मेधामारनहल्ली, हारोहल्ली, होब्ली, कनकपुरा तालुक, जिला-रामनगर, बेंगलूरूरूर, कर्नाटक-562112	डॉमेस्टिक प्रेशर कुकर	भामा 2347	-	-	2006
11.	सीएम/एल 3315040	27-01-2010	श्री मुनेष्वरा एंटरप्राइजेस, सर्वे नं. 28/ए, चिक्कबेल्लांदूर, सरजापुर रोड, कारमेलाराम पोस्ट, बेंगलूरूरूर ईस्ट तालुक, बेंगलूरूरूर-560035 कर्नाटक	पैकेजबंद पेयजल (पैकेजबंद मिनरल जल के अलावा)	भामा 14543	-	-	2004

[सं. सीएमडी/13 : 11]

सी. के. महेश्वरी, वैज्ञानिक 'जी' (प्रमाणन)

New Delhi, the 12th April, 2010

S.O. 1125.—In pursuance of sub-regulation (5) of the regulation 4 of the Bureau of Indian Standards (Certification) Regulation 1988, of the Bureau of Indian Standards, hereby notifies the grant of licence particular of which are given in the following Schedule :

SCHEDULE

Sl. No.	Licences No.	Grant Date	Name and address of the Party	Title of the Standard	IS No.	Part	Sec.	Year
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1.	CM/L-3306140	06-01-2010	Rapsri Engineering Industries Ltd 39 & 40/2, Gowdanapalya, Subramanyapura Road, Bangalore Urban, Bangalore, Karnataka-560061	Fire hose delivery couplings branch pipe, nozzles and nozzle spanner	IS 903	-	-	1993
2.	CM/L-3304540	07-01-2010	Rajlaxmi Jewellers Ganpati Complex, Near Syndicate Bank, Sadashivgad Karwar, Uttar Kannada, Karnataka-581352	Gold and gold alloys, jewellery/artefacts-fineness and marking	IS 1417	-	-	1999
3.	CM/L-3307445	11-01-2010	Joalharia Esmeralda, Shop No. 5, Nucleus Mall Ramlingkhind Street, Belgaum-590002 Karnataka	Gold and gold alloys, jewellery/artefacts-fineness and marking	IS 1417	-	-	1999
4.	CM/L-3307344	12-01-2010	Arjun Jewellers N.R. Road, Newpet, Anekal, Bangalore Karnataka-562106	Gold and gold alloys, jewellery/artefacts-fineness and marking	IS 1417	-	-	1999
5.	CM/L-3307243	13-01-2010	Balaji Jewellers Mandipet Tumkur Karnataka-572101	Gold and gold alloys, jewellery/artefacts-fineness and marking	IS 1417	-	-	1999
6.	CM/L-3309247	18-01-2010	Coral Aqua Tech No. 85, 5th Cross Widla Layout, Chandra Layout, Bangalore, Karnataka-560079	Packaged Drinking Water (Other than Packaged Natural Mineral water)	IS 14543	-	-	2004
7.	CM/L-3310636	21-01-2010	Sundeep Jewellers # 145/10, Ranganatha Mansion, Avenue Road, Bangalore Urban, Bangalore, Karnataka-560002	Gold and gold alloys, jewellery/artefacts-fineness and marking	IS 1417	-	-	1999
8.	CM/L-3310737	21-01-2010	Marlecha Mahal Jewellers No. 164, Avenue Road, Bangalore Urban, Bangalore, Karnataka-560002	Gold and gold alloys, jewellery/artefacts-fineness and marking	IS 1417	-	-	1999
9.	CM/L-3312337	27-01-2010	S.M. Jewellers IST Cross Road, Robertsonpet, KGF Kolar, Karnataka-563122	Gold and gold alloys, jewellery/artefacts-fineness and marking	IS 1417	-	-	1999

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
10	CM/L- 3313642	27-01-2010	Stovekraft Pvt Ltd No. 81/1, Medaramaran Halli, Haroballi Hobli, Kanakapura Taluk, Ramanagara Dist Bangalore Rural Bangalore, Karnataka-562112	Domestic pressure cookers	IS 2347	-	-	2006
11	CM/L- 3315040	27-01-2010	Sri Muneshwara Enterprises S. No. 28/1A, Chikkabellandur, Sarjapur Road, Caramelara Post, Bangalore East Taluk, Bangalore-560055 Karnataka	Packaged Drinking Water (Other than Packaged Natural Mineral water)	IS 14543	-	-	2004

[No. CMD/13/11]

C. K. MAHESH WARI, Sec. "G" (Certification)

नई दिल्ली, 12 अप्रैल, 2010

क्र.आ. 1126.—भारतीय मानक ब्यूरो (प्रमाणन) विनियमन, 1988 के विनियमन (5) के उपविनियमन (6) के तहत भारतीय मानक ब्यूरो यह अधिसूचित करता है कि निम्नलिखित व्योम वाले लाइसेंस उनके आगे दी गई तारीखों से रद्द कर दिया गया है।

अनुसूची

क्रम संख्या	लाइसेंस नं.	लाइसेंसधारी का नाम व पता	समयबधित लाइसेंस द्वारा आवृत वस्तु/ प्रक्रिया के साथ संगत भारतीय मानक	समयबधित तारीख
(1)	(2)	(3)	(4)	(5)
1.	सीएम/एल- 6900773	श्री बालाजी लैड डेवलपर्स विल्डस प्राइवेट लिमिटेड, नं. 9, पहली मंजिल, कृष्णा कॉम्प्लेक्स, नियर कृष्णा हिल्स, नाडिबाला, होसूर रोड, बेंगलूर-560068 कर्नाटक	पैकज्ड पेयजल (पैकज्ड मिश्रित जल के अलावा) IS 14543 : 2004	28-01-2010

[सं. सीएमडी/13 : 13]

सी. के. महेश्वरी, वैज्ञानिक 'जी' (प्रमाणन)

New Delhi, the 12th April, 2010

S.O. 1126.—In pursuance of sub-regulation (6) of the regulation 5 of the Bureau of Indian Standards (Certification) Regulation 1988, of the Bureau of Indian Standards, hereby notifies that the licences particulars of which are given below have been cancelled with effect from the date indicated against each.

SCHEDULE

Sr. No.	License No.	Name and Address of the Licensee	Article/Process with relevant Indian Standard covered by the license cancelled/suspension	Date of Cancellation
(1)	(2)	(3)	(4)	(5)
1.	CMCL-6900775	Sri Balaji Land Developers & Builders Pvt. Ltd. No. 9, 1st Floor, Krishna Complex, Near Krishna Rooms, Madiwala, Hosur Main Road, Bangalore-560068 Karnataka	IS: 14543:2004 Packaged drinking water (Other than packaged natural mineral water)	28-01-2010

[No. CMCL/131/10]

C.K. MAHESHWARI, Secy. (F) (Cancellation)

नई दिल्ली, 20 अप्रैल, 2010

क्र.आ. 1127.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उप-नियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि नीचे अनुसूची में दिए गये मानक (कों) में संशोधन किया गया/किए गए हैं :-

अनुसूची

क्रम संख्या	संशोधित भारतीय मानक की संख्या और वर्ष	संशोधन की संख्या और तिथि	संशोधन लागू होने की तिथि
(1)	(2)	(3)	(4)
1.	आईएस 12766 : 1997 कागज कम्प्यूटर-विशिष्ट (पहला पुनरीक्षण)	संशोधन सं. नं. 2 अगस्त 2009	15 दिसम्बर, 2009

एक भारतीय मानक की प्रतियां भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002 क्षेत्रीय कार्यालय : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बटूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तापुरम में विक्री हेतु उपलब्ध हैं।

[संदर्भ: सी एच डी 15/आई एस 12766]

ई. देवेन्द्र, वैज्ञानिक एक एवं प्रमुख (रसायन)

New Delhi, the 20th April, 2010

S.O. 1127.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the amendments to the Indian Standards particulars of which are given in the Schedule hereto annexed have been issued :

SCHEDULE

Sr. No.	No. and Year of the Indian Standards	No. and year of the amendment	Date from which the amendment shall have effect
(1)	(2)	(3)	(4)
1.	IS 12766 : 1997/Paper, Computer-Specification (first revision)	Amendment No. 2 August, 2009	15 Dec. 2009

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata Chandigarh, Chennai, Mumbai and also

Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref: CHD 15/IS12766]

E. DEVENDAR, Scientist F Head (Chemical))

नई दिल्ली, 20 अप्रैल, 2010

क्र.आ. 1128.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उप-नियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो इसद्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए हैं :-

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक (कों) की संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हों, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1.	आईएस 11239 (भाग 3) : 2009 आईएसओ 2796:1986 दृढ़ जालीदार तापीय उष्मारोधी सामग्री की परीक्षण पद्धति भाग 3 आयामीय स्थायित्व (पहला पुनरीक्षण)	आईएस 11239(भाग 3):1985	31 दिसम्बर, 2009

इस भारतीय मानक की प्रतियां भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002 क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बटूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तापुरम में विक्री हेतु उपलब्ध हैं।

[संदर्भ: सी एच डी 27/आई एस-11239 (भाग 3)]

ई. देवेन्द्र, वैज्ञानिक एफ एवं प्रमुख (रसायन)

New Delhi, the 20th April, 2010

S.O. 1128.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :

SCHEDULE

Sr No.	No. and Year of the Indian Standards Established	No. and year of Indian Standards, if any, Superseded by the New Indian Standard	Date of Established
(1)	(2)	(3)	(4)
1	IS 11239 (Part 3) : 2009 ISO 2796:1986 Method of test for rigid Cellular thermal Insulation Materials Part 3 dimensional Stability (First revision)	IS 11239 (Part 3): 1985	31 December, 2009

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manik Bhavan, 9 Bhadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata Chandigarh, Chennai, Mumbai and also

[illegible]

ENCLOSURE 2000-2001

Journal of Management Inquiry 16(4)

Symptoms

[illegible][illegible][illegible]

1973 年 11 月 24 日 34-505 号 鄂政发字 12 号 1973 年 11 月 24 日

the β phase of the polymer. The β phase is the most important phase in the polymer, as it is the phase that is most responsible for the mechanical properties of the polymer. The β phase is the phase that is most responsible for the mechanical properties of the polymer. The β phase is the phase that is most responsible for the mechanical properties of the polymer.

Rev. 24th, the 20th April, 2010

NOTE.—In pursuance of clause (1) of sub-section (1) of section 7 of the Bureau of Indian Standards Act, the Bureau of Indian Standards hereby certifies that the Indian Standards, particulars of which are given in the column hereunder, have been established on the date and in the manner indicated against each:

35222222

Sr. No.	Name and rank of the Indian Standard Enthusiast.	Name and year of Indian Standard, if any, superseded by the New Indian Standard	Remarks

(1)	(2)	(3)	(4)
1.	15121-1154-270006 (Kane County Case) Per 1.1g, resolution with Order of Dismissal	*	11/10/2016, 10/1/17

(1)	(2)	(3)	(4)
	Project Level for Quantification , Monitoring and Reporting of Green House Gas Emission Reductions or Removal Enhancements		
	IS/ISO 14064-3:2006 Green House Gases Part 3 Specification with Guidance for the validation and Verification of Green House Gas Assertions	—	31 December 2009

Copy of these Standards are available for sale with the Bureau of Indian Standards, Mank Bhavan, 9, Bhadar Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref: CHD 34/IS/IOS/14064 (Part 2 & Part 3)]

E. DEVENDAR, Scientist F & Head (Chemical)

नई दिल्ली, 20 अप्रैल, 2010

का.आ. 1130.—केंद्रीय सरकार राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप नियम (4) के अनुसार में उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय (खाद्य और सार्वजनिक वितरण विभाग) के प्रशासनिक नियंत्रणाधीन भारतीय खाद्य निगम के निम्नलिखित कार्यालयों, जिनके 80 प्रतिशत से अधिक कर्मचारीवृन्द ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को अधिनियमित करती है:-

1. भारतीय खाद्य निगम,

क्षेत्रीय कार्यालय,

हैदराबाद, आंध्र प्रदेश

[सं.: ई-11011/1/2008-हिन्दी]

नवीन प्रकाश, मयुक्त सचिव

New Delhi, the 20th April, 2010

S.O. 1130.—In pursuance of Sub-rule (4) of rule 10 of the Official Language (use for official purpose of the Union) Rules, 1976 the Central Government hereby notifies the following offices of Food Corporation of India under the administrative control of the Ministry of Consumer Affairs, Food and Public Distribution (Deptt. of Food & Public Distribution), where of more than 80% of staff have acquired the working knowledge of Hindi:

1. Food Corporation of India,
Regional Office,
Hyderabad, Andhra Pradesh

[No E-11011/1/2008-Hindi]

NAVEEN PRAKASH, Jr. Secy.

पेट्रोलियम और प्राकृतिक गैस पत्रालय

नई दिल्ली, 19 अप्रैल, 2010

का.आ. 1131.—केंद्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि मध्य प्रदेश राज्य में बीना संस्थान से राजस्थान राज्य में कोटा तक पेट्रोलियम कार्पोरेशन लिमिटेड द्वारा एक पाइपलाइन बिछाई जानी चाहिए;

और केंद्रीय सरकार को ऐसी पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि ऐसी भूमि में जो इससे उपबद्ध अनुसूची में वर्णित है, जिसमें उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है, उपयोग के अधिकार का अर्जन किया जाए;

अतः अब, केंद्रीय सरकार पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको इस अधिसूचना से युक्त भारत के राजपत्र की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर भूमि के बीच पाइपलाइन बिछाए जाने के लिए उसमें उपयोग के अधिकार का अर्जन के सम्बन्ध में श्री किशोर कुमार शर्मा, सक्षम प्राधिकारी, बीना-कोटा पाइपलाइन परियोजना, भारत पेट्रोलियम कार्पोरेशन लिमिटेड, प्लॉट नं. 17, गांधी नगर, कुसमोदा चौकी, ए.बी. रोड, गुणा-473 001 (मध्य प्रदेश) को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

तहसील : मुगावली जिला : अशोक नगर राज्य : मध्य प्रदेश

क्र. सं.	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हेक्टेयर में
1	2	3	4
1.	फुलेदी	172/5	0.3120

[का. सं. आर-31015/5/2009-ओ आर-11]

ए. गोस्वामी, अवर सचिव

MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 19th April, 2010

S.O. 1131.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of petroleum products from Bina terminal in the State of Madhya Pradesh to Kota in the State of Rajasthan should be laid by Bharat Petroleum Corporation Limited;

And whereas it appears to the Central Government that for the purpose of laying such pipeline it is necessary to acquire the right of user in land under which the said

pipeline is proposed to be laid and which is described in the Schedule annexed hereto:

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein:

Any person, interested in the land described in the said Schedule may within twenty one days from the date on which copies of the Gazette of India containing this notification are made available to the public, object in writing to the acquisition of the right of user therein by laying of the pipeline under the land to Shri Kishore Kumar Sharma, Competent Authority, Bina-Kota Pipeline Project, Bharat Petroleum Corporation Limited, House No. 17, Gandhi Nagar, Kusumoda Chowk, A. B. Road, Guana-473 001 (Madhya Pradesh)

SCHEDULE

Tehsil : Mungawali District : Ashok Nagar State : Madhya Pradesh

S. No.	Name of Village	Survey No.	Area in Hectare
1	2	3	4
1.	Phuledi	172/5	0.3120

[F. No. R-31015/5/2009-OR-II]

A. GOSWAMI, Under Secy.

नई दिल्ली, 19 अप्रैल, 2010

का.आ. 1132.—केंद्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि मध्य प्रदेश राज्य में बीना संस्थान से राजस्थान राज्य में कोटा तक पेट्रोलियम कार्पोरेशन लिमिटेड द्वारा एक पाइपलाइन बिछाई जानी चाहिए;

और केंद्रीय सरकार को ऐसा पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि ऐसी भूमि में जो इससे उपबद्ध अनुसूची में वर्णित है, जिसमें उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है, उपयोग के अधिकार का अर्जन किया जाए;

अतः अब, केंद्रीय सरकार पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको इस अधिसूचना से युक्त भारत के राजपत्र की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के

भीतर भूमि को नीचे पाइपलाइन बिछाए जाने के लिए उसमें उपयोग के अधिकार के अर्जन के सम्बन्ध में श्री किशोर कुमार शर्मा, सक्षम प्राधिकारी, बीना-कोटा पाइपलाइन परियोजना, भारत पेट्रोलियम कॉर्पोरेशन लिमिटेड कम्पन नं. 17, गांधी नगर, कुसमोदा चौकी, ए. बी. रोड गुना-473001 (मध्य प्रदेश) को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

तहसील : गुना जिला : गुना राज्य : मध्य प्रदेश

क्र. सं.	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हैक्टेयर में
1	2	3	4
1.	भूराखेड़ो	95	0.4950
2.	चुरेला	78	0.1500
3.	किशनपुरा	178	0.1800
4.	किशनगढ़	90	0.3055

[फा. सं. आर-31015/11/2008-ओ.आर-II]

ए. गोस्वामी, अवर सचिव

New Delhi, the 19th April, 2010

S.O. 1132.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of petroleum products from Bina terminal in the State of Madhya Pradesh to Kota in the State of Rajasthan should be laid by Bharat Petroleum Corporation Limited;

And whereas it appears to the Central Government that for the purpose of laying such pipeline it is necessary to acquire the right of user in land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person, interested in the land described in the said Schedule may within twenty one days from the date on which copies of the Gazette of India containing this notification are made available to the public, object in writing to the acquisition of the right of user therein for laying of the pipeline under the land to Shri Kishore Kumar Sharma, Competent Authority, Bina-kota Pipeline Project, Bharat Petroleum Corporation Limited, House No.-17, Gandhi Nagar, Kusumoda Chowk, A.B. Road Guna- 473 001 (Madhya Pradesh)

SCHEDULE

Tehsil : Guna District : Guna State : Madhya Pradesh

S. No.	Name of Village	Survey No.	Area in Hectare
1	2	3	4
1.	Bhoorakhedi	95	0.4950
2.	Churela	78	0.1500
3.	Kishanpura	178	0.1800
4.	Kishangarh	90	0.3055

[F.N.R-31015/11/2008-OR-II]

A. GOSWAMI, Under Secy.

नई दिल्ली, 21 अप्रैल, 2010

का.आ. 1133.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि उड़ीसा राज्य में पारादीप से बिहार राज्य में बरौनी तक कच्चे तेल के परिवहन के लिए इंडियन आयल कार्पोरेशन लिमिटेड द्वारा दामोदर नदी के आरपार एक पाइपलाइन बिछाई जानी चाहिए;

और केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है की होरीजेन्टल डायरेक्शनल ड्रिलिंग (एच.डी.डी.) पद्धति से ऐसी भूमि जिसके भीतर पाइपलाइन बिछाए जाने का प्रस्ताव है और जो इस अधिसूचना से उपाबद्ध अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए।

अतः अब, केन्द्रीय सरकार पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उसमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति जो उक्त अनुसूची में वर्णित भूमि में हितवद्ध है, उस तारीख से जिसको उक्त अधिनियम की धारा 3 की उपधारा (1) के अधीन राजपत्र में यथा प्रकाशित इस अधिसूचना को प्रतियां साधारण जनता को उपलब्ध करा दी जाती है, इक्कीस दिन के भीतर भूमि के अन्दर पाइपलाइन बिछाने के सम्बन्ध में श्री प्रवीर कुमार साहा, सक्षम प्राधिकारी पारादीप-हल्दिया-बरौनी-पाइपलाइन इंडियन ऑयल कार्पोरेशन लिमिटेड, कसबेरिया, डाकघर खंजनचक हल्दिया, जिला-पूर्व मिदनापुर-721602 (पश्चिम बंगाल) को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

पुलिस थाना : खण्डघोष जिला : वर्धमान राज्य पश्चिम बंगाल

ग्राम का नाम	अधिकारिता सूची संख्या	प्लॉट संख्या	क्षेत्रफल		
			हेक्टेयर	एयर	वर्ग मीटर
(1)	(2)	(3)	(4)	(5)	(6)
नपारा	56	1540	00	00	65
		1540	00	00	65

1	2	3	4	5
नपारा	56 (अर्ध)	1540	00	01 71
		1540	00	00 65
		1540	00	00 65
		1540	00	00 76
मसहिला 57	611	00	00	83
	613	00	01	21
	609/463	00	91	02
	611	00	01	94
	608/631	00	00	85
	611	00	00	72
	608	00	00	37
	611	00	00	47
	608/630	00	00	23
	611	00	00	71

[फा. सं. आर.-25011/4/2010-ओ.आर-1]

बी. कं. दत्ता, अवर सचिव

New Delhi, the 21st April, 2010

S.O. 1133.—Whereas, it appears to the Central Government that it is necessary in the public interest that for the transportation of petroleum (crude) from Paradip in the State of Orissa to Barauni in the State of Bihar, a new pipeline across Damodar river should be laid by Indian Oil Corporation Limited;

And whereas, it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the right of user in the land under which the said pipeline is proposed to be laid by Horizontal Directional Drilling (HDD) technique and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein:

Any person, interested in the land described in the said Schedule may, within twenty one days from the date on which the copies of the notification issued under sub-Section (1) of Section 3 of the said Act, as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of the right of user therein or laying of the pipeline under the land to Shri Prabh Kumar Saha, Competent Authority, Paradip-Haldia-Barauni Pipeline, Indian Oil Corporation Limited, Kasberia, P.O.-Khanjanachak, Dist. - Purba Midnapur- 721602 (West Bengal)

SCHEDULE

Police Station : District, Burdwan		State	
Khandagbosh		West Bengal	
Name of Jurisdiction Plot No.		Village	
List No.		No.	
(1)	(2)	(3)	(4)
Napara	56	1540	00
		1540	00
		1540	00
		1540	00
		1540	00
		1540	00
		1540	00
		1540	00
Mashilla	57	611	00
		613	00
		609-463	00
		611	00
		608-631	00
		611	00
		608	00
		611	00
		608-630	00
		611	00

[N. R-25011/4/2010-ओ.आर-1]

B. K. DATTA, Under Secy.

पेट्रोलियम और जलकृतिक गैस प्रसारण

नई दिल्ली, 21 अप्रैल, 2010

का.आ. 1134.—केंद्रीय सरकार को पेट्रोलियम और जलकृतिक गैस के परिवहन के लिए आवश्यक प्रतीत होता है कि पारादीप (उड़ीसा) में समुद्र तल पर तेल एवं गैसी (झारखण्ड) तक पेट्रोलियम उत्पादों के परिवहन के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा "पारादीप-समुद्रतल-गैस-गैसी पाइपलाइन" बिछाई जानी चाहिए;

और केंद्रीय सरकार को जल पाइपलाइन बिछाने के लिए यह आवश्यक प्रतीत होता है कि ऐसी भूमि, जिसमें जल पाइपलाइन बिछाई जाने का प्रस्ताव है और जो वह अधिसूचना में उपाय्य अनुसूची में वर्णित है, में उपयोग के अधिकार का अर्थ में किया जाए;

अतः, अब, केंद्रीय सरकार, पेट्रोलियम और जलकृतिक गैस (भूमि में उपयोग के अधिकार का अर्थ) अधिनियम, 1962 (अध्याय का 50) की धारा 3 की उप-धारा (1) द्वारा शक्ति अधिनियम का प्रयोग करते हुए, उनमें उपयोग के अधिकार का अर्थ में करने के लिए आवश्यक की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में किसी भी उस तारीख से जिसका मानक के राजपत्र में चला पकड़ने का अधिसूचना की प्रतियां साधारण जनता को उपलब्ध कर दी जा रही हैं,

अवधीय दिन के पौतर, उसमें उपयोग के अधिकांश का प्रयोजन करने
 आ भूमि के नीचे पाइपलाइन बिछाए जाने के संबंध में श्री सुकांत
 कृष्ण प्रधान, सहाय प्रबंधकारी, इंडियन ऑयल कॉर्पोरेशन लिमिटेड,
 कार्यालय-सचलपुर-रायपुर-राँची पाइपलाइन परियोजना, 1295, फॉरस्ट
 रोड, भुवनेश्वर-751009 (उड़ीसा) को लिखित रूप में आदेश भेज
 सकता है।

अनुसूची

संज्ञांक	अवधि	जिला: बरगढ़	संख्या : उड़ीसा	
प्लॉट का नाम	प्लॉट नं.	क्षेत्रफल		
		हेक्टेयर	एयर	वर्ग मीटर
1	2	3	4	5
सुमन सिन्हा	2459	00	12	52
	1811	00	00	27
	1812	00	07	97
	1815	00	08	54
	1817	00	00	10
	1814	00	04	00
	1813	00	04	19
	1791	00	00	37
	1790	00	05	68
	1786	00	04	98
	1787	00	07	08
	1785	00	05	15
	1780	00	01	14
	1747	00	00	20
	1746	00	10	50
	1743	00	06	78
	1735	00	04	73
	1738	00	03	03
	1662	00	00	30
	1734	00	05	35
	1668	00	10	11
	1732	00	02	65
	1731	00	04	36
	2533	00	05	73
	1669	00	00	20
	1670	00	08	10
	1686	00	00	10
	1681	00	00	41
	1653	00	00	87
	1672	00	06	14
	1671	00	00	37

1	2	3	4	5
सुमेत सिन्हा	1657	00	01	97
	2363	00	00	10
	1656	00	04	64
	1654	00	01	43
	1655	00	03	32
	1651	00	08	33
	1645	00	01	16
	2348	00	00	43
	1642	00	02	69
	1644	00	02	00
	1643	00	02	31
	1622	00	02	31
	2511	00	01	45
	190	00	07	92
	191	00	01	60
	192	00	00	30
	2432	00	00	14
	2498	00	00	10
	194	00	00	49
	193	00	10	86
	195	00	00	20
	2435	00	06	80
	198	00	00	15
	199	00	05	76
	168	00	02	59
	165	00	06	52
	167	00	05	81
	166	00	03	20
	162	00	04	14
	163	00	02	83
	159	00	02	78
	158	00	12	33
	138	00	06	97
	156	00	00	79
	139	00	00	40
	140	00	10	71
	134	00	01	45
	126	00	00	10
	133	00	04	06
	132	00	04	41
	101	00	05	24
	100	00	15	86
	99	00	01	83
	94	00	02	07

1	2	3	4	5	1	2	3	4	5
महाराष्ट्र	258	00	02	90	दुलमपुर	1556	00	07	38
	489	00	00	10		1557	00	03	29
	290	00	10	84		1558	00	06	51
	291	00	09	75		1559	00	07	16
	289	00	01	40		1522	00	06	76
	288	00	00	20		1526	00	03	33
	287	00	07	52		1519	00	00	50
	286	00	00	40		1509	00	00	20
	281	00	01	85		1508	00	29	08
	277	00	10	92		1503	00	02	98
	267	00	02	60		1505	00	01	22
	266	00	07	32		1492	00	01	21
	268	00	00	86		1500	00	00	20
	270	00	22	44		1504	00	00	30
	238	00	00	59		1498	00	14	85
	237	00	18	26		1426	00	00	88
	236	00	11	30		1283	00	03	65
	235	00	08	61		1281	00	15	74
	232	00	00	23		1273	00	00	20
	234	00	01	74		1272	00	01	07
	233	00	00	21		1274	00	00	10
	55	00	01	94		1271	00	10	46
	40	00	08	80		1270	00	07	49
	34	00	02	72		1269	00	07	52
दुलमपुर	1615	00	02	03		1268	00	09	35
	1641	00	03	67		1267	00	03	25
	1642	00	01	12		1266	00	01	26
	1645	00	02	81		1260	00	31	32
	1649	00	01	64		1256	00	10	10
	1648	00	06	18		1255	00	05	53
	1651	00	00	74		1254	00	03	19
	1654	00	01	57		1252	00	00	10
	1655	00	00	98	कुजापालि	70	00	17	69
	1659	00	03	46		68	00	21	57
	1660	00	01	76		67	00	05	58
	1661	00	14	86		66	00	09	57
	1662	00	01	81		57	00	13	88
	1582	00	16	69	गोडभगा	2840	00	00	10
	1552	00	00	68		2841	00	05	65
	1581	00	05	02		2842	00	05	26
	1583	00	00	20		2823	00	03	82
	1553	00	04	73		2822	00	02	45
						2821	00	06	48

1	2	3	4	5	1	2	3	4	5
गोडभगा	2820	00	20	07	सरन्डा	741	00	38	21
	3249	00	02	10		732	00	02	67
	2819	00	23	96		733	00	14	26
	2799	00	34	36		735	00	18	35
	2793	00	22	47		499	00	00	86
	2792	00	01	34		453	00	01	07
चकुलि	320	00	10	41		452	00	00	72
	319	00	00	68		451	00	00	98
	318	00	02	82		450	00	06	94
	317	00	01	59		449	00	04	57
	316	00	06	80		448	00	01	03
	327	00	03	65		436	00	03	28
	328	00	00	57		437	00	06	86
	296	00	02	67		440	00	06	41
	295	00	00	80		428	00	00	89
	418	00	00	70		425	00	06	41
	294	00	00	96		426	00	01	62
	292	00	03	20		427	00	04	82
	62	00	17	82		1146	00	00	10
	57	00	01	46		429	00	00	72
	71	00	29	23		422	00	03	92
	265	00	29	05		392	00	00	71
	264	00	04	64		391	00	04	60
	263	00	00	15		390	00	02	75
	262	00	06	95		389	00	01	20
	260	00	00	75		388	00	03	21
	258	00	25	00		371	00	03	92
	254	00	08	60		387	00	01	78
	253	00	00	30		213	00	00	10
	231	00	06	80		382	00	01	06
	232	00	08	40		372	00	23	33
	234	00	11	80		367	00	00	30
	236	00	06	42		365	00	00	29
	217	00	01	80		289	00	00	78
	216	00	01	43		288	00	00	20
	215	00	01	83		290	00	03	40
सरन्डा	565	00	01	45		291	00	10	65
	691	00	03	40		293	00	07	05
	692	00	01	22		298	00	00	20
	693	00	00	24		345	00	19	72
	727	00	00	30		346	00	00	81
	744	00	16	39		339	00	10	78
	743	00	00	51		312	00	05	50

1	2	3	4	5	6	7	8
सरन्डा	313	00	03	92	अवधि	1777	(3)
	314	00	04	90		1767	(3)
	1097	00	09	22		1778	(4)
अताबिरा	5166	00	09	98		1777	(5)
	5039	00	00	64		1756	(3)
	5044	00	00	41		1753	(3)
	5043	00	04	76		1757	(4)
	5042	00	05	82		1753	(3)
	5054	00	02	44		1748	(3)
	5041	00	00	10		1746	(3)
	5045	00	00	20		1729	(3)
	5055	00	02	80		1729	(3)
	5056	00	08	96		1721	(4)
	5059	00	00	10		1727	(3)
	5060	00	09	24		1726	(3)
	5075	00	03	57		1727	(3)
	5077	00	04	92		1623	(3)
	5076	00	00	26		1726	(3)
	5078	00	03	12		1723	(3)
	5079	00	04	77		1703	(3)
	5082	00	08	98		1649	(3)
	5083	00	00	10		1567	(3)
	5086	00	03	43		1563	(3)
	5095	00	00	80		1554	(3)
	5096	00	00	67		1556	(3)
	5118	00	14	58		1560	(3)
	5106	00	00	31		1562	(3)
	5107	00	01	66		1549	(3)
	5108	00	00	95		1558	(3)
	5116	00	06	86		1477	(3)
	5125	00	02	47		1547	(3)
	5140	00	12	41		1574	(3)
	5141	00	00	20		1574	(3)
	5142	00	09	74		1540	(3)
	5144	00	00	42		171	(3)
	5145	00	08	37		1477	(3)
	4947	00	02	05		1412	(3)
	1772	00	01	47		1413	(3)
	1771	00	01	28		1397	(3)
	1770	00	06	14		1440	(3)
	1774	00	00	41		1398	(3)
	1773	00	02	43		1380	(3)

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
अनांदा	1377	00	24	64	भुईपुता	177	00	00	10
	1583	00	62	34		173	00	03	43
	1582	00	30	78		176	00	21	55
	1281	00	00	86		180	00	06	00
	1325	00	00	10		636	00	06	92
	1326	00	07	66		181	00	00	99
	5247	00	06	18		182	00	03	15
	1312	00	05	56		183	00	02	26
	5175	00	06	81		185	00	06	89
	1327	00	00	20		89	00	11	45
	1743	00	00	10		90	00	11	93
	1341	00	01	59		91	00	08	01
	1331	00	00	76		92	00	09	80
	1332	00	21	83		93	00	06	02
भुईपुता	521	00	02	65	लादरपालि	39	00	06	50
	520	00	00	40		634	00	57	17
	518	00	47	84		97	00	06	33
	516	00	12	45		36	00	31	07
	515	00	05	66		651	00	01	86
	514	00	01	35		19	00	04	48
	362	00	13	74		15	00	06	95
	363	00	25	12		18	00	16	16
	366	00	00	10		17	00	00	20
	372	00	22	15		659	00	00	10
	371	00	16	35		656	00	02	80
	369	00	02	23		660	00	09	50
	386	00	03	64		661	00	00	20
	385	00	00	20		662	00	24	60
	396	00	13	48		706	00	00	10
	387	00	00	58		699	00	00	28
	394	00	05	56		700	00	00	21
	393	00	08	05		704	00	00	24
	395	00	01	07		702	00	00	28
	397	00	00	10		703	00	04	57
	389	00	06	78		710	00	12	20
	383	00	00	10		714	00	19	73
	238	00	02	18		693	00	00	20
	609	00	09	63		690	00	02	83
	601	00	00	20		715	00	02	14
	658	00	07	80		692	00	03	76
	608	00	00	31		717	00	00	20
	172	00	01	93		718	00	03	58

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
सादरपत्र	719	00	05	68	जहापडा	6084	00	04	06
	720	00	05	80		845	00	00	05
	726	00	09	08		892	00	00	53
	727	00	00	20		891	00	05	16
	723	00	03	99		890	00	00	10
	348	00	13	09		884	00	09	68
	347	00	08	48		887	00	11	83
	351	00	09	26		1147	00	05	52
	354	00	05	85		1145	00	06	51
	355	00	06	33		1144	00	07	88
	341	00	05	47		1143	00	00	36
	339	00	13	60		1142	00	12	26
	337	00	02	40		1141	00	08	22
	150	00	00	97		1140	00	05	42
	149	00	00	54		1142	00	12	00
	146	00	11	29		6074	00	00	20
	138	00	08	90		1047	00	04	00
	140	00	02	70		1046	00	00	29
	139	00	08	28		6089	00	00	53
	133	00	00	67		1040	00	05	27
	132	00	07	43		1048	00	00	04
	131	00	16	51		1049	00	00	06
	86	00	00	10		1056	00	05	90
	779	00	02	92		1057	00	00	10
	781	00	01	10		1055	00	05	06
जहापडा	811	00	01	05		1065	00	05	77
	814	00	01	26		1068	00	00	22
	812	00	05	39		1069	00	00	57
	813	00	01	96		1064	00	00	48
	809	00	01	21		1071	00	00	06
	808	00	06	21		1072	00	05	80
	821	00	01	59		1103	00	09	11
	822	00	04	80		1102	00	02	97
	823	00	00	99		1101	00	02	01
	824	00	06	55		1099	00	00	14
	827	00	01	81		1100	00	07	91
	836	00	13	54		1406	00	10	41
	835	00	01	95		1404	00	00	10
	834	00	00	10		1405	00	20	92
	6098	00	05	79		1403	00	05	92
	844	00	00	10		1402	00	13	16
	843	00	03	95		1401	00	08	90

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
जहानाबा	2132	00	06	06		2407	00	03	41
	2133	00	05	36		2406	00	03	50
	2135	00	02	42		2409	00	05	18
	2134	00	05	89		2405	00	00	20
	2127	00	03	36		2404	00	02	03
	2144	00	01	28		2403	00	03	18
	2143	00	02	33		2466	00	06	58
	2146	00	11	80		2468	00	04	54
	2150	00	09	04		6390	00	01	44
	2149	00	02	66		6391	00	07	05
	6305	00	02	33		2477	00	00	12
	2060	00	24	43		2512	00	01	51
	2053	00	03	13		2515	00	03	04
	2051	00	01	70		2514	00	00	32
	2052	00	04	48		2527	00	02	16
	2050	00	11	26		2528	00	01	40
	2237	00	01	02		2529	00	01	31
	2238	00	09	21		2538	00	00	68
	2239	00	07	80		2539	00	03	44
	2045	00	01	22		2540	00	04	20
	2241	00	11	25	[सं. आर-25011/3/2010-ओ.आर-1]				
	2244	00	00	58	बी.के. दत्ता, अवर सचिव				
	2242	00	03	37	New Delhi, the 21st April, 2010				
	2243	00	09	52	S.O. 1134. —Whereas it appears to the Central				
	2041	00	18	49	Government that it is necessary in the public interest that				
	2294	00	11	67	for the transportation of petroleum products from Paradip				
	2298	00	03	60	(Orissa) to Raipur (Chhattisgarh) & Ranchi (Jharkhand), a				
	2297	00	01	49	“Paradip - Sambalpur - Raipur - Ranchi Pipeline” should be				
	2299	00	03	35	laid by Indian Oil Corporation Limited;				
	2296	00	00	45	And, whereas it appears to the Central Government				
	2326	00	00	10	that for the purpose of laying the said pipeline, it is				
	2327	00	00	84	necessary to acquire the right of user in the land described				
	2333	00	08	21	in the schedule annexed to this notification;				
	2334	00	03	76	Now, therefore, in exercise of the powers conferred				
	2332	00	00	10	by sub-section (1) of Section 3 of the Petroleum and				
	2331	00	01	26	Minerals Pipelines (Acquisition of Right of User in Land)				
	2338	00	06	23	Act, 1962 (50 of 1962), the Central Government hereby				
	2339	00	06	39	declares its intention to acquire the right of user therein;				
	2318	00	05	22	Any person interested in the land described in the				
	2340	00	01	84	said schedule may, within twenty one days from the date				
	2317	00	05	67	on which the copies of this notification as published in the				
	2385	00	01	08	Gazette of India are made available to the General Public,				
					object in writing to the acquisition of the right of user				
					therein for laying of the pipeline under the land to				
					Sri Sukanta Kumar Pradhan, Competent Authority, Indian				

Oil Corporation Limited, Paradip Sambalpur Rajpur -
Kanchi line project, 1294, Forest Park, Bhubaneswar-
751009, Odisha.

SCHEDULE

Tehsil	Area	District	Bargach	State	Orissa
Name of the Village	Plot No.	Area			
		Hectare	Ac	Sq.mtr.	
(1)	(2)	(3)	(4)	(5)	
Kumal Singh	2459	00	12	32	
	1811	00	07	27	
	1812	00	97	97	
	1815	00	08	34	
	1817	00	00	10	
	1814	00	04	00	
	1815	00	04	19	
	1791	00	00	37	
	1790	00	05	68	
	1786	00	04	98	
	1787	00	03	05	
	1785	00	05	15	
	1780	00	01	14	
	1747	00	00	20	
	1746	00	10	50	
	1743	00	06	78	
	1735	00	04	75	
	1738	00	03	03	
	1662	00	00	30	
	1704	00	05	35	
	1668	00	10	11	
	1732	00	02	65	
	1731	00	04	36	
	2533	00	03	73	
	1669	00	00	20	
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	1686	00	00	10	
	1681	00	00	41	
	1653	00	00	87	
	1672	00	06	14	
	1671	00	00	37	
	1657	00	01	97	
	2363	00	00	10	
	1656	00	04	64	
	1654	00	01	43	
	1655	00	03	32	
	1651	00	08	33	
	1645	00	01	16	
	2348	00	00	43	
	1642	00	02	69	

(6)	(7)	(8)
Kamal Singh	1644	00
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Mahakhand

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
Mahakhand	238	00	00	59	Dulampur	1271	00	10	46
	237	00	18	26		1270	00	07	49
	236	00	11	30		1269	00	07	82
	235	00	08	61		1268	00	09	73
	232	00	00	23		1267	00	03	79
	234	00	01	74		1266	00	01	26
	233	00	00	21		1260	00	31	32
	55	00	01	94		1256	00	10	10
	40	00	08	80		1255	00	05	53
	34	00	02	72		1254	00	03	19
Dulampur	1615	00	02	03	Kujapali	1252	00	00	10
	1641	00	03	67		70	00	17	69
	1642	00	01	12		68	00	21	57
	1645	00	02	81		67	00	05	58
	1649	00	01	64		66	00	09	57
	1648	00	06	18	Godabhaga	57	00	13	88
	1651	00	00	74		2840	00	00	10
	1654	00	01	57		2841	00	05	65
	1655	00	00	98		2842	00	05	26
	1659	00	08	46		2823	00	03	88
	1660	00	01	76		2822	00	02	45
	1661	00	14	86		2821	00	06	48
	1662	00	01	81		2820	00	20	07
	1582	00	16	09		3249	00	02	10
	1552	00	00	08		2819	00	23	96
	1581	00	06	02	Chakuli	2799	00	34	36
	1583	00	00	20		2793	00	22	47
	1553	00	04	73		2792	00	01	34
	1556	00	07	35		320	00	10	41
	1557	00	03	29		319	00	00	68
	1558	00	06	51		318	00	02	82
	1559	00	07	16		317	00	01	59
	1522	00	00	76		316	00	06	80
	1520	00	03	33		327	00	03	65
	1519	00	00	50		328	00	00	57
	1509	00	00	20		296	00	02	67
	1508	00	29	08		295	00	00	80
	1503	00	02	08		418	00	00	70
	1505	00	01	22		294	00	00	96
	1492	00	01	24		292	00	03	20
	1500	00	00	20		62	00	17	82
	1504	00	00	10		57	00	01	46
	1498	00	14	85		71	00	29	23
	1426	00	00	88		265	00	29	05
	1283	00	03	65		264	00	04	64
	1281	00	15	74		263	00	00	15
	1273	00	00	20		262	00	06	95
	1272	00	01	07		260	00	00	75
	1274	00	00	10		258	00	25	00

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
Chakra	254	00	08	60	Saranda	289	00	00	75
	255	00	00	30		288	00	00	30
	231	00	06	20		290	00	03	40
	232	00	08	40		291	00	10	65
	234	00	11	30		293	00	07	05
	236	00	06	40		298	00	00	20
	217	00	01	30		345	00	19	72
	216	00	01	43		346	00	00	61
	215	00	01	83		339	00	16	78
Saranda	565	00	01	45		312	00	05	50
	691	00	03	40		313	00	03	90
	692	00	01	22		314	00	01	90
	693	00	00	24		1097	00	00	72
	727	00	00	30	Attabira	5166	00	00	98
	744	00	16	39		5039	00	00	64
	743	00	00	51		5044	00	00	41
	741	00	38	21		5043	00	01	30
	732	00	02	67		5042	00	05	02
	733	00	14	26		5054	00	02	44
	735	00	18	35		5041	00	00	10
	499	00	00	86		5045	00	00	20
	453	00	01	07		5055	00	02	80
	452	00	00	72		5056	00	08	45
	451	00	00	98		5059	00	00	10
	450	00	05	94		5060	00	07	24
	449	00	04	57		5075	00	03	57
	448	00	01	03		5077	00	04	92
	436	00	03	28		5076	00	00	26
	437	00	06	86		5078	00	03	12
	440	00	06	41		5079	00	04	77
	428	00	00	89		5082	00	06	98
	425	00	06	41		5083	00	00	10
	426	00	01	62		5086	00	03	43
	427	00	04	82		5095	00	00	80
	1146	00	00	10		5096	00	00	46
	429	00	00	72		5118	00	14	58
	422	00	03	92		5106	00	00	31
	392	00	00	71		5107	00	01	66
	391	00	04	60		5108	00	00	95
	390	00	02	75		5116	00	05	86
	389	00	01	20		5135	00	02	46
	388	00	03	21		5140	00	12	41
	371	00	03	92		5141	00	00	20
	387	00	01	78		5142	00	00	74
	213	00	00	10		5144	00	00	42
	382	00	01	06		5145	00	06	37
	372	00	23	33		4947	00	02	05
	367	00	00	30		1772	00	01	43
	365	00	00	20		1771	00	01	23

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
Attabira	1770	00	06	14	Attabira	1383	00	02	34
	1774	00	00	41		1382	00	30	78
	1773	00	02	43		1281	00	00	86
	1775	00	03	42		1325	00	00	10
	1762	00	00	40		1326	00	07	66
	1778	00	01	50		5242	00	06	18
	1776	00	00	33		1312	00	03	56
	1756	00	00	81		5175	00	06	81
	1755	00	06	43		1327	00	00	20
	1757	00	09	13		1343	00	00	10
	1754	00	01	53		1341	00	01	59
	1748	00	00	20		1331	00	00	76
	1746	00	02	37		1332	00	21	83
	1729	00	00	20	Bhuinapura	521	00	02	65
	1728	00	03	24		520	00	00	40
	1521	00	00	10		518	00	47	84
	1727	00	01	04		516	00	12	45
	1726	00	12	90		515	00	05	66
	1725	00	14	36		514	00	01	35
	1523	00	24	27		362	00	13	14
	1525	00	00	18		363	00	25	12
	1524	00	06	84		366	00	00	10
	1708	00	01	24		372	00	22	15
	1549	00	29	38		371	00	16	35
	1567	00	03	60		369	00	02	23
	1568	00	00	20		386	00	03	64
	1554	00	00	14		385	00	00	20
	1556	00	13	85		396	00	13	48
	1560	00	14	25		387	00	00	58
	1562	00	15	30		394	00	05	56
	5249	00	00	10		393	00	08	05
	1558	00	00	30		395	00	01	07
	1456	00	06	59		390	00	09	47
	5247	00	08	75		392	00	00	10
	1454	00	08	98		389	00	06	78
	1434	00	21	86		388	00	00	10
	1440	00	03	05		238	00	02	18
	1421	00	02	50		160	00	09	63
	1433	00	00	20		161	00	00	20
	1415	00	01	80		638	00	07	80
	1414	00	00	30		168	00	00	31
	1399	00	02	72		172	00	01	93
	1400	00	07	39		177	00	00	10
	1398	00	12	46		173	00	03	43
	1380	00	01	87		176	00	21	55
	1377	00	24	64		180	00	06	00

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
Bhuinpura	636	00	06	43	Ladarpali	355	00	06	33
	181	00	00	99		341	00	05	47
	182	00	03	16		339	00	13	60
	183	00	02	26		357	00	02	40
	185	00	06	89		150	00	00	97
	89	00	11	45		149	00	00	54
	90	00	11	93		146	00	11	29
	91	00	08	01		138	00	08	90
	92	00	09	80		140	00	02	70
	93	00	06	02		139	00	08	28
	39	00	06	50		135	00	00	67
	634	00	07	17		132	00	07	43
	97	00	06	33		131	00	16	51
	36	00	31	07		86	00	00	10
	631	00	01	86		779	00	02	92
	19	00	04	48		781	00	01	10
	15	00	06	95	Jahnapada	811	00	01	05
	18	00	16	18		814	00	01	26
	17	00	09	20		812	00	05	39
Ladarpali	659	00	00	10		813	00	01	96
	656	00	02	80		809	00	01	21
	660	00	09	50		808	00	06	21
	661	00	00	20		821	00	01	59
	662	00	24	60		822	00	04	80
	706	00	00	10		823	00	00	99
	699	00	06	48		824	00	06	55
	700	00	04	21		827	00	01	81
	704	00	00	74		826	00	13	54
	702	00	00	25		825	00	01	95
	703	00	04	57		824	00	00	10
	710	00	12	20		808	00	05	79
	714	00	19	35		824	00	00	10
	693	00	00	20		822	00	03	95
	690	00	02	83		8091	00	04	06
	715	00	02	14		825	00	10	65
	692	00	03	76		892	00	00	53
	717	00	00	20		891	00	05	16
	718	00	03	58		890	00	00	10
	719	00	05	68		884	00	09	68
	720	00	05	80		887	00	11	83
	726	00	09	08		1147	00	03	52
	727	00	00	20		1145	00	08	51
	723	00	03	99		1144	00	07	88
	348	00	13	09		1143	00	01	36
	347	00	00	48		1142	00	12	26
	351	00	09	26		1141	00	05	29
	354	00	05	85		1140	00	05	42

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
Jahnapada	1042	00	12	09	Jahnapada	2239	00	07	80
	6074	00	00	99		2045	00	01	22
	1047	00	04	06		2241	00	11	25
	1046	00	01	79		2244	00	00	58
	5089	00	06	53		2242	00	03	37
	1040	00	03	27		2243	00	09	52
	1048	00	06	04		2041	00	18	49
	1049	00	01	06		2294	00	11	67
	1056	00	05	96		2298	00	03	60
	1057	00	00	10		2297	00	01	49
	1055	00	03	98		2299	00	03	35
	1065	00	05	77		2296	00	00	45
	1068	00	00	22		2326	00	00	10
	1069	00	00	37		2327	00	00	84
	1064	00	00	48		2333	00	08	21
	1071	00	06	66		2334	00	03	76
	1072	00	03	80		2332	00	00	10
	1103	00	09	11		2331	00	01	26
	1102	00	02	93		2338	00	06	23
	1101	00	02	01		2339	00	06	39
	1099	00	00	14		2318	00	05	22
	1100	00	07	91		2340	00	01	84
	1406	00	10	41		2317	00	05	67
	1404	00	00	10		2385	00	01	08
	1405	00	20	92		2407	00	03	41
	1403	00	05	92		2406	00	03	50
	1402	00	13	76		2409	00	05	18
	1401	00	08	91		2405	00	00	20
	2132	00	06	06		2404	00	02	03
	2133	00	05	36		2403	00	03	18
	2135	00	02	42		2466	00	06	58
	2134	00	05	89		2468	00	04	54
	2127	00	03	36		6390	00	01	44
	2144	00	01	28		6391	00	07	05
	2143	00	02	33		2477	00	00	12
	2146	00	11	80		2512	00	01	51
	2150	00	09	04		2515	00	03	04
	2149	00	02	66		2514	00	00	32
	6305	00	02	33		2527	00	02	16
	2060	00	24	43		2528	00	01	40
	2053	00	03	13		2529	00	01	31
	2051	00	01	70		2538	00	00	68
	2052	00	04	48		2539	00	03	44
	2050	00	11	26		2540	00	04	20
	2237	00	01	02					
	2238	00	09	21					

नई दिल्ली, 30 अप्रैल, 2010

का.आ. 1135.—केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उप-धारा (1) के अधीन जारी की गई भारत सरकार पेट्रोलियम और प्राकृतिक गैस मंत्रालय की नीचे दी गई अनुसूची में यथा उल्लिखित तारीखों की अधिसूचना संख्या का.आ. द्वारा उन अधिसूचनाओं से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया था।

और केन्द्रीय सरकार ने, उक्त अधिनियम की धारा 6 की उप-धारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त भूमि में, जो सभी विल्लंगों से मुक्त है, उपयोग का अधिसूचनाओं से संलग्न का अधिधार इंडियन ऑयल कॉर्पोरेशन लिमिटेड में, निहित किया था;

और सक्षम प्राधिकारी ने केन्द्रीय सरकार को यह रिपोर्ट दी है कि तमिलनाडु राज्य में चैनै से तिरुचिरापल्ली होकर मदुरै तक पेट्रोलियम उत्पाद के परिवहन के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा पाइपलाइन बिछाई जा चुकी है। अतः उस भूमि में प्रचालन की समाप्ति को जाए जिसका संक्षिप्त विवरण इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट किया गया है।

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) नियम, 1963 के नियम 4 के स्पष्टीकरण-1 के अधीन अपेक्षानुसार उक्त अनुसूची के स्तंभ 7 में उल्लिखित तारीखों को प्रचालन की समाप्ति की तारीखों के रूप में घोषित करती है।

अनुसूची

जिला : तिरुवल्लूर

राज्य : तमिलनाडु

क्रम सं	का.आ.सं. एवं तारीख	गाँव का नाम	तालूका	जिला	राज्य	प्रचालन की समाप्ति की तारीख
1	2	3	4	5	6	7
1.	326, 16-1262004	नं. 24, साट्टनकाडू नं. 41, मनालि नं. 28 अरियलूर नं. 150 विचूर नं. 121 पेरुंगावूर नं. 123 कुम्मनूर 124 अंगाडु 125 ओरक्काडु नं. 104 सोतुपेरुंबेडु नं. 116 शेलवरम्	अम्बत्तूर अम्बत्तूर अम्बत्तूर पोन्नेरी पोन्नेरी पोन्नेरी पोन्नेरी पोन्नेरी पोन्नेरी	तिरुवल्लूर तिरुवल्लूर तिरुवल्लूर तिरुवल्लूर तिरुवल्लूर तिरुवल्लूर तिरुवल्लूर तिरुवल्लूर तिरुवल्लूर	तमिलनाडु तमिलनाडु तमिलनाडु तमिलनाडु तमिलनाडु तमिलनाडु तमिलनाडु तमिलनाडु तमिलनाडु	30-09-2005 30-09-2005 22-09-2005 23-09-2005 30-09-2005 24-09-2005 25-09-2005 26-09-2005 28-09-2005 01-10-2005
2.	2244, 06-01-2000	नं. 109 एरुमैवेडिट्टप्पालायम् नया नं. 108 आत्तूर	पोन्नेरी पोन्नेरी	तिरुवल्लूर तिरुवल्लूर	तमिलनाडु तमिलनाडु	30-09-2005 22-08-2005
3.	2146 25-09-2000	नं. 93 कोट्टैक्कुप्पम्	उत्तुकोट्टै	तिरुवल्लूर	तमिलनाडु	20-08-2005
	2244, 08-11-2000	नं. 110 एरुमैवेडिट्टप्पालायम् पुराना	पोन्नेरी	तिरुवल्लूर	तमिलनाडु	30-09-2005
4.	2436 08-11-2000	नं. 40 पुदुक्कुप्पम् नं. 39 ऐलाचेरि	तिरुवल्लूर तिरुवल्लूर	तिरुवल्लूर तिरुवल्लूर	तमिलनाडु तमिलनाडु	20-08-2005 18-08-2005
	2146 25-09-2000	नं. 38 सेंगिलिक्कुप्पम् नं. 77 बूच्चियात्तिप्पट्टु	तिरुवल्लूर उत्तुकोट्टै	तिरुवल्लूर तिरुवल्लूर	तमिलनाडु तमिलनाडु	30-09-2005 30-09-2005
	2436 08-11-2000	नं. 41 कोडुवालि	तिरुवल्लूर	तिरुवल्लूर	तमिलनाडु	30-09-2005

1	2	3	4	5	6	7
5.	2147 25-09-2000	नं. 3 पाण्डेश्वरम्	अम्बत्तूर	तिरुवल्लूर	तमिलनाडु	30-09-2005
		नं. 2 आलत्तूर	अम्बत्तूर	तिरुवल्लूर	तमिलनाडु	06-09-2005
		नं. 1 कीलकोण्डैयूर	अम्बत्तूर	तिरुवल्लूर	तमिलनाडु	10-10-2005
	2436 08-11-2000	नं. 45 मेलक्कोण्डैयूर	तिरुवल्लूर	तिरुवल्लूर	तमिलनाडु	12-09-2005
		नं. 84 नल्लण्कावणूर	तिरुवल्लूर	तिरुवल्लूर	तमिलनाडु	12-10-2005
		नं. 85 पुलियूर	तिरुवल्लूर	तिरुवल्लूर	तमिलनाडु	15-10-2005
		87 वेप्पमवट्टु	तिरुवल्लूर	तिरुवल्लूर	तमिलनाडु	15-09-2005
		नं. 90 आयात्तूर	तिरुवल्लूर	तिरुवल्लूर	तमिलनाडु	10-09-2005
		नं. 92 सेव्वायपेट्टै	तिरुवल्लूर	तिरुवल्लूर	तमिलनाडु	06-09-2005
		नं. 94 तिरु	तिरुवल्लूर	तिरुवल्लूर	तमिलनाडु	12-10-2005
		नं. 89 पेरुमालपट्टु	तिरुवल्लूर	तिरुवल्लूर	तमिलनाडु	01-09-2005
		नं. 100 कोप्पूर	तिरुवल्लूर	तिरुवल्लूर	तमिलनाडु	02-चव-2005
		नं. 101 नयाप्पाक्कम्	तिरुवल्लूर	तिरुवल्लूर	तमिलनाडु	29-09-2005
		नं. 136 तोडुकाडु	तिरुवल्लूर	तिरुवल्लूर	तमिलनाडु	01-10-2005

जिला : कांचीपुरम

राज्य : तमिलनाडु

क्रम सं	का.आ.सं. एवं तारीख	गाँव का नाम	तालूका	जिला	राज्य	प्रचालन की समाप्ति की तारीख
1	2	3	4	5	6	7
1.	2245 06-10-2000	नं. 108 कीण्डवाक्कम्	श्रीपेरुम्बुदुर	कांचीपुरम	तमिलनाडु	01-10-2005
		नं. 107 बलरपुरम्	श्रीपेरुम्बुदुर	कांचीपुरम	तमिलनाडु	28-01-2006
		नं. 103 नेमिली	श्रीपेरुम्बुदुर	कांचीपुरम	तमिलनाडु	04-10-2005
		नं. 106 आयक्कोलत्तूर	श्रीपेरुम्बुदुर	कांचीपुरम	तमिलनाडु	28-01-2005
		नं. 105 श्रीपेरुम्बुदुर	श्रीपेरुम्बुदुर	कांचीपुरम	तमिलनाडु	10-10-2005
		नं. 113 सिरुक्किलोइ	श्रीपेरुम्बुदुर	कांचीपुरम	तमिलनाडु	28-01-2006
		नं. 114 पडिचेरी	श्रीपेरुम्बुदुर	कांचीपुरम	तमिलनाडु	10-09-2005
		नं. 115 वंडमंलम्	श्रीपेरुम्बुदुर	कांचीपुरम	तमिलनाडु	10-09-2005
		नं. 155 माम्बाक्कम्	श्रीपेरुम्बुदुर	कांचीपुरम	तमिलनाडु	28-10-2005
2.	2566 16-11-2000	नं. 116 तिरुमंगलम्	श्रीपेरुम्बुदुर	कांचीपुरम	तमिलनाडु	10-10-2005
	2245 06-10-2000	नं. 152 एच्चूर	श्रीपेरुम्बुदुर	कांचीपुरम	तमिलनाडु	10-07-2005
		नं. 174 वडगल्	श्रीपेरुम्बुदुर	कांचीपुरम	तमिलनाडु	19-09-2005
		नं. 153 बूदनूर	श्रीपेरुम्बुदुर	कांचीपुरम	तमिलनाडु	13-07-2005
		नं. 179 मेट्टुपालयम्	श्रीपेरुम्बुदुर	कांचीपुरम	तमिलनाडु	13-07-2005

1	2	3	4	5	6	7
3.	1888 18-08-2000	नं. 157 तिरुवैण्करणै	कांचीपुरम	कांचीपुरम	तमिलनाडु	14-07-2005
	2245 06-10-2000	नं. 212 ण्णरुट्टी	श्रीपेरुम्बुदुर	कांचीपुरम	तमिलनाडु	14-07-2005
	1888 18-08-2000	नं. 157 वेण्वाक्कम्	कांचीपुरम	कांचीपुरम	तमिलनाडु	16-07-2005
	2245 06-10-2000	नं. 213 पनैयूर	श्रीपेरुम्बुदुर	कांचीपुरम	तमिलनाडु	20-07-2005
		नं. 214 एलिच्चूर	श्रीपेरुम्बुदुर	कांचीपुरम	तमिलनाडु	29-08-2005
4.	2148 25-09-2000	नं. 71 पालूर	चेगलपट्टूर	कांचीपुरम	तमिलनाडु	15-07-2005
5.	2246 06-10-2000	नं. 96 सात्तनजेरी	अदिरमेरु	कांचीपुरम	तमिलनाडु	03-10-2005
		नं. 95 करुम्बाक्कम्	अदिरमेरु	कांचीपुरम	तमिलनाडु	02-09-2005
		नं. 94 कवनैप्पाक्कम्	अदिरमेरु	कांचीपुरम	तमिलनाडु	20-07-2005
		नं. 104 माम्बाक्कम्	अदिरमेरु	कांचीपुरम	तमिलनाडु	20-07-2005
		नं. 105 पेरनकडूर	अदिरमेरु	कांचीपुरम	तमिलनाडु	20-07-2005
		नं. 103 तण्डरै	अदिरमेरु	कांचीपुरम	तमिलनाडु	21-08-2005
		नं. 109 सीत्तनक्कवूर	अदिरमेरु	कांचीपुरम	तमिलनाडु	21-08-2005
		नं. 110 अन्नादूर	अदिरमेरु	कांचीपुरम	तमिलनाडु	22-08-2005
		नं. 113 सालवाक्कम्	अदिरमेरु	कांचीपुरम	तमिलनाडु	10-08-2005
		नं. 115 कुरुम्बारै	अदिरमेरु	कांचीपुरम	तमिलनाडु	10-08-2005
		नं. 116 कीलक्काडी	अदिरमेरु	कांचीपुरम	तमिलनाडु	02-08-2005
6.	2151 28-09-2000	नं. 10 कुमारवाडी	मदुरांदगम	कांचीपुरम	तमिलनाडु	02-08-2005
		नं. 11 करुणगरचेरी	मदुरांदगम	कांचीपुरम	तमिलनाडु	01-08-2005
		नं. 12 पल्लियागारम्	मदुरांदगम	कांचीपुरम	तमिलनाडु	01-08-2005
		नं. 13 नेल्लि	मदुरांदगम	कांचीपुरम	तमिलनाडु	25-07-2005
		नं. 19 पुलिदीक्कम्	मदुरांदगम	कांचीपुरम	तमिलनाडु	01-08-2005
		नं. 32 वेल्लप्पुतूर	मदुरांदगम	कांचीपुरम	तमिलनाडु	28-08-2005
		नं. 38 विनायगनल्लूर	मदुरांदगम	कांचीपुरम	तमिलनाडु	29-07-2005
		नं. 39 तुरैयूर	मदुरांदगम	कांचीपुरम	तमिलनाडु	29-07-2005
		नं. 41 चित्तातूर	मदुरांदगम	कांचीपुरम	तमिलनाडु	29-07-2005
		नं. 42 वलियप्पुतूर	मदुरांदगम	कांचीपुरम	तमिलनाडु	29-07-2005
		नं. 51 पुदुच्चेरी	मदुरांदगम	कांचीपुरम	तमिलनाडु	28-07-2005
		नं. 52 मदुरै	मदुरांदगम	कांचीपुरम	तमिलनाडु	28-07-2005
		नं. 53 पेरुम्बाक्कम्	मदुरांदगम	कांचीपुरम	तमिलनाडु	27-07-2005
		नं. 59 सेम्पुण्डी	मदुरांदगम	कांचीपुरम	तमिलनाडु	26-07-2005

1	2	3	4	5	6	7
6. 2151	नं. 64 कीलामूर	मदुरांदगम	कांचीपुरम	तमिलनाडु	25-07-2005	
28-09-2000	नं. 62 पादिरौरी	मदुरांदगम	कांचीपुरम	तमिलनाडु	22-07-2005	
	नं. 63 वेलमूर	मदुरांदगम	कांचीपुरम	तमिलनाडु	20-07-2005	
	नं. 74 काट्टुक्करणै	मदुरांदगम	कांचीपुरम	तमिलनाडु	18-07-2005	
	नं. 115 कोट्टक्कायप्पाक्कम्	मदुरांदगम	कांचीपुरम	तमिलनाडु	17-10-2005	
	नं. 76 मदुर	मदुरांदगम	कांचीपुरम	तमिलनाडु	01-08-2005	
	नं. 114 विलांगाडु	मदुरांदगम	कांचीपुरम	तमिलनाडु	26-06-2005	
	नं. 113 अल्लनूर	मदुरांदगम	कांचीपुरम	तमिलनाडु	23-06-2005	
	नं. 112 सिरुपैरपाण्डि	मदुरांदगम	कांचीपुरम	तमिलनाडु	29-05-2005	
	नं. 99 कील्पट्टु	मदुरांदगम	कांचीपुरम	तमिलनाडु	01-07-2005	
	नं. 16 चित्तामूर	मदुरांदगम	कांचीपुरम	तमिलनाडु	29-05-2005	
	नं. 95 कलत्तूर	मदुरांदगम	कांचीपुरम	तमिलनाडु	21-05-2005	
	नं. 94 कोगराइमाम्बट्टु	मदुरांदगम	कांचीपुरम	तमिलनाडु	30-05-2005	
	नं. 93 सिरुदामूर	मदुरांदगम	कांचीपुरम	तमिलनाडु	28-05-2005	
	नं. 91 अनतमगलम्	मदुरांदगम	कांचीपुरम	तमिलनाडु	28-05-2005	

जिला : विल्लुप्परम

राज्य : तमिलनाडु

क्रम सं	का.आ.सं. एवं तारीख	गाँव का नाम	तालूका	जिला	राज्य	प्रचालन की समाप्ति की तारीख
1	2	3	4	5	6	7
1.	2152 28-09-2000	नं. 125 ओल्क्कुरमेलपदि	तिण्डिवनम	विल्लुप्परम	तमिलनाडु	28-05-2005
		नं. 145 तेंगप्पाक्कम्	तिण्डिवनम	विल्लुप्परम	तमिलनाडु	28-05-2005
		नं. 144 वैरपुरम्	तिण्डिवनम	विल्लुप्परम	तमिलनाडु	10-06-2005
		नं. 28 पुलैयूर	तिण्डिवनम	विल्लुप्परम	तमिलनाडु	10-07-2005
		नं. 29 नेड्क्कुप्पी	तिण्डिवनम	विल्लुप्परम	तमिलनाडु	19-06-2005
		नं. 35 उरल	तिण्डिवनम	विल्लुप्परम	तमिलनाडु	11-06-2005
		नं. 34 पाम्पुण्डि	तिण्डिवनम	विल्लुप्परम	तमिलनाडु	10-07-2005
		नं. 38 वेण्मेणियात्तूर	तिण्डिवनम	विल्लुप्परम	तमिलनाडु	12-06-2005
		नं. 39 काट्टुसिविरी	तिण्डिवनम	विल्लुप्परम	तमिलनाडु	29-05-2005
		नं. 40 कोल्लार	तिण्डिवनम	विल्लुप्परम	तमिलनाडु	22-06-2005
		नं. 41 सालै	तिण्डिवनम	विल्लुप्परम	तमिलनाडु	02-07-2005
		नं. 42 पेरेडिक्कुप्पम् (मेल)	तिण्डिवनम	विल्लुप्परम	तमिलनाडु	20-06-2005
		नं. 44 वेंगण्डूर	तिण्डिवनम	विल्लुप्परम	तमिलनाडु	02-07-2005
		नं. 43 असूर	तिण्डिवनम	विल्लुप्परम	तमिलनाडु	23-06-2005
2.	1988 31-08-2000	नं. 235 कोगारप्पट्टु	जिजी	विल्लुप्परम	तमिलनाडु	24-06-2005
		नं. 238 मेलसेउर	जिजी	विल्लुप्परम	तमिलनाडु	23-06-2005
		नं. 239 मरुर	जिजी	विल्लुप्परम	तमिलनाडु	13-06-2005

	3	4	5	6	7
1. 1984	नं. 141 कल्लाडिक्कुप्पम्	जिजी	विल्लुप्परम	तमिलनाडु	18-06-2005
2. 1988-2000	नं. 240 कीलक्कयलामूर	जिजी	विल्लुप्परम	तमिलनाडु	17-06-2005
	नं. 138 अनिलाडी	जिजी	विल्लुप्परम	तमिलनाडु	25-06-2005
	नं. 137 मेलनूडलूर	जिजी	विल्लुप्परम	तमिलनाडु	25-06-2005
3. 1984	नं. 34 तिरुनं.दिपुरम्	विल्लुप्परम	विल्लुप्परम	तमिलनाडु	27-06-2005
4. 1988-2000	नं. 35 ब्रह्मदेशम्	विल्लुप्परम	विल्लुप्परम	तमिलनाडु	26-06-2005
	नं. 33 सैजिक्कुण्णनूर	विल्लुप्परम	विल्लुप्परम	तमिलनाडु	26-06-2005
	नं. 32 कुलप्पाक्कम्	विल्लुप्परम	विल्लुप्परम	तमिलनाडु	26-06-2005
	नं. 31 मंदगण्टटु	विल्लुप्परम	विल्लुप्परम	तमिलनाडु	26-06-2005
	नं. 30 नं.दिवाडी	विल्लुप्परम	विल्लुप्परम	तमिलनाडु	26-06-2005
	नं. 29 नेमूर	विल्लुप्परम	विल्लुप्परम	तमिलनाडु	22-06-2005
	नं. 28 मेलकरणै	विल्लुप्परम	विल्लुप्परम	तमिलनाडु	22-06-2005
	नं. 39 वेगायक्कुप्पम्	विल्लुप्परम	विल्लुप्परम	तमिलनाडु	26-06-2005
	नं. 40 कोरलूर	विल्लुप्परम	विल्लुप्परम	तमिलनाडु	26-06-2005
	नं. 41 कन्जन्नूर	विल्लुप्परम	विल्लुप्परम	तमिलनाडु	26-06-2005
	नं. 26 एलुम्मयोन	विल्लुप्परम	विल्लुप्परम	तमिलनाडु	26-06-2005
	नं. 45 मिन्नोत्तल	विल्लुप्परम	विल्लुप्परम	तमिलनाडु	26-06-2005
	नं. 66 अरुम्पुलि	विल्लुप्परम	विल्लुप्परम	तमिलनाडु	26-06-2005
	नं. 47 वीरमूर	विल्लुप्परम	विल्लुप्परम	तमिलनाडु	05-06-2005
	नं. 64 बालाण्टटु	विल्लुप्परम	विल्लुप्परम	तमिलनाडु	27-06-2005
	नं. 52 केंदा	विल्लुप्परम	विल्लुप्परम	तमिलनाडु	27-06-2005
	नं. 62 अगर्मुचिनामूर	विल्लुप्परम	विल्लुप्परम	तमिलनाडु	26-06-2005
	नं. 53 कीजिन्नूर	विल्लुप्परम	विल्लुप्परम	तमिलनाडु	09-09-2005
	नं. 59 करिगलिप्पट्टु	विल्लुप्परम	विल्लुप्परम	तमिलनाडु	28-06-2005
	नं. 55 मायलप्पट्टु	विल्लुप्परम	विल्लुप्परम	तमिलनाडु	28-06-2005
	नं. 57 सिरुवाक्कूर	विल्लुप्परम	विल्लुप्परम	तमिलनाडु	30-06-2005
	नं. 56 कल्लपट्टु	विल्लुप्परम	विल्लुप्परम	तमिलनाडु	28-06-2005
5. 1984	नं. 169 मरीगयूर	तिरुक्कोविलूर	विल्लुप्परम	तमिलनाडु	28-06-2005
6. 1988-2000	नं. 156 पैयूर	तिरुक्कोविलूर	विल्लुप्परम	तमिलनाडु	26-06-2005
	नं. 158 टी. एड्डयार	तिरुक्कोविलूर	विल्लुप्परम	तमिलनाडु	29-06-2005
	नं. 161 मनक्कुप्पम्	तिरुक्कोविलूर	विल्लुप्परम	तमिलनाडु	27-06-2005
7. 1984	नं. 103 वेगयक्कुवले	उलुन्दुरपेट्टे	विल्लुप्परम	तमिलनाडु	27-06-2005
8. 1988-2000	नं. 101 आमूर	उलुन्दुरपेट्टे	विल्लुप्परम	तमिलनाडु	27-06-2005
	नं. 85 वेलूर	उलुन्दुरपेट्टे	विल्लुप्परम	तमिलनाडु	03-07-2005
	नं. 86 तिरुनिरण्कोण	उलुन्दुरपेट्टे	विल्लुप्परम	तमिलनाडु	28-06-2005

1	2	3	4	5	6	7
5. 1989	नं. 84 आत्तूर	उलुन्दूरपेट्टै	विल्लुप्परम	तमिलनाडु	23-06-2005	
05-09-2000	नं. 87 नन्नरम्	उलुन्दूरपेट्टै	विल्लुप्परम	तमिलनाडु	03-07-2005	
	नं. 82 अघनूर	उलुन्दूरपेट्टै	विल्लुप्परम	तमिलनाडु	29-06-2005	
	नं. 81 पच्चपालयम्	उलुन्दूरपेट्टै	विल्लुप्परम	तमिलनाडु	13-05-2005	
	नं. 78 मेल्लूर	उलुन्दूरपेट्टै	विल्लुप्परम	तमिलनाडु	21-05-2005	
	नं. 79 नैमिली	उलुन्दूरपेट्टै	विल्लुप्परम	तमिलनाडु	13-05-2005	
	नं. 80 कम्बट्टु	उलुन्दूरपेट्टै	विल्लुप्परम	तमिलनाडु	01-09-2005	
	नं. 74 कोणलवाडी	उलुन्दूरपेट्टै	विल्लुप्परम	तमिलनाडु	14-05-2005	
	नं. 73 वेल्लैयूर	उलुन्दूरपेट्टै	विल्लुप्परम	तमिलनाडु	06-06-2005	
	नं. 72 अ. कुमारमंगलम्	उलुन्दूरपेट्टै	विल्लुप्परम	तमिलनाडु	15-06-2005	
	नं. 71 कणैयूर	उलुन्दूरपेट्टै	विल्लुप्परम	तमिलनाडु	06-05-2005	
	नं. 43 पू. मलैयनूर	उलुन्दूरपेट्टै	विल्लुप्परम	तमिलनाडु	02-06-2005	
	नं. 44 सिरुवात्तूर	उलुन्दूरपेट्टै	विल्लुप्परम	तमिलनाडु	18-07-2005	
	नं. 50 तिरुप्पैयार	उलुन्दूरपेट्टै	विल्लुप्परम	तमिलनाडु	09-05-2005	
6. 1033	नं. 123 कुडुलूर	कल्लक्कुरुच्ची	विल्लुप्परम	तमिलनाडु	17-05-2005	
15-05-2000						
	नं. 125 एरन्जी	कल्लक्कुरुच्ची	विल्लुप्परम	तमिलनाडु	30-09-2005	

जिला : मदुरै

राज्य : तमिलनाडु

क्रम सं	का.आ.सं. एवं तारीख	गाँव का नाम	तालूका	जिला	राज्य	प्रचालन की समाप्ति की तारीख
1	2	3	4	5	6	7
1.	1321 16-06-2000	नं. 1. सुरापट्टी	मेलूर	मदुरै	तमिलनाडु	30-09-2005
		नं. 4. पीट्टलपट्टी	मेलूर	मदुरै	तमिलनाडु	30-09-2005
		नं. 5. तोण्डिलिंगपुरम्	मेलूर	मदुरै	तमिलनाडु	30-09-2005
		नं. 6 चेक्कमपट्टी	मेलूर	मदुरै	तमिलनाडु	30-09-2005
		नं. 9 मण्णाच्चैरी	मेलूर	मदुरै	तमिलनाडु	30-09-2005
		नं. 10 कुण्णरामपट्टी	मेलूर	मदुरै	तमिलनाडु	30-09-2005
		नं. 47 सेक्किप्पट्टी	मेलूर	मदुरै	तमिलनाडु	30-09-2005
		नं. 46 कम्बूर	मेलूर	मदुरै	तमिलनाडु	30-09-2005
		नं. 48 कंसम्पट्टी	मेलूर	मदुरै	तमिलनाडु	30-09-2005
		नं. 50 वल्लुप्पट्टी	मेलूर	मदुरै	तमिलनाडु	30-09-2005
		नं. 51 किडारिपट्टी	मेलूर	मदुरै	तमिलनाडु	30-09-2005
2.	1458, 28-06-2000	नं. 73 मांगुलम्	मदुरै (उत्तर)	मदुरै	तमिलनाडु	30-09-2005
		नं. 77 कल्लादिसी	मदुरै (उत्तर)	मदुरै	तमिलनाडु	30-09-2005
		नं. 79 सवलक्करायन	मदुरै (उत्तर)	मदुरै	तमिलनाडु	30-09-2005

(1)	(2)	(3)	(4)	(5)	(6)	(7)
		नं. 86 कोल्लायंगुलम्	मदुरै (उत्तर)	मदुरै	तमिलनाडु	30-09-2008
		नं. 87 कोल्लायंगुलम्-अंयमान	मदुरै (उत्तर)	मदुरै	तमिलनाडु	30-09-2008
		नं. 58 एरुवक्कल्लायंगुलम्	मदुरै (उत्तर)	मदुरै	तमिलनाडु	30-09-2008
		नं. 57 उन्निलमपट्टरी	मदुरै (उत्तर)	मदुरै	तमिलनाडु	30-09-2008
		नं. 56 कोडिमगलम्	मदुरै (उत्तर)	मदुरै	तमिलनाडु	30-09-2008
		नं. 54 चोदियवकुलन	मदुरै (उत्तर)	मदुरै	तमिलनाडु	30-09-2008
		नं. 35 वीरसाण्टि	मदुरै (उत्तर)	मदुरै	तमिलनाडु	30-09-2008
		नं. 30 वेण्णगुलम्	मदुरै (उत्तर)	मदुरै	तमिलनाडु	30-09-2008
		नं. 31 चूल्थाक्कुडी	मदुरै (उत्तर)	मदुरै	तमिलनाडु	30-09-2008
		नं. 28 मेलपणगाडी	मदुरै (उत्तर)	मदुरै	तमिलनाडु	30-09-2008
		नं. 26 मुलक्करणे	मदुरै (उत्तर)	मदुरै	तमिलनाडु	30-09-2008
		नं. 17 पोंडुन्नु भाग II	मदुरै (उत्तर)	मदुरै	तमिलनाडु	30-09-2008
		नं. 18 कोविल्पाणक्कुडी	मदुरै (उत्तर)	मदुरै	तमिलनाडु	30-09-2008
		नं. 19 बिलांगुडी भाग II	मदुरै (उत्तर)	मदुरै	तमिलनाडु	30-09-2008
		नं. 14 परवै				
3.	1626	नं. 5 तुदरिमान	मदुरै (सबुथ)	मदुरै	तमिलनाडु	30-09-2008
	18-07-2008					
		नं. 13 बिलाचेंगि	मदुरै (सबुथ)	मदुरै	तमिलनाडु	30-09-2008
		नं. 12 माम्बक्कुडी	मदुरै (सबुथ)	मदुरै	तमिलनाडु	30-09-2008
		नं. 25 वीडिवेलकरी	मदुरै (सबुथ)	मदुरै	तमिलनाडु	30-09-2008
		नं. 23 कीलक्कुडलक्कुडी	मदुरै (सबुथ)	मदुरै	तमिलनाडु	30-09-2008
		नं. 24 तडटनूर	मदुरै (सबुथ)	मदुरै	तमिलनाडु	30-09-2008
		नं. 20 वेडरपुलयंगुलम्	मदुरै (सबुथ)	मदुरै	तमिलनाडु	30-09-2008
		नं. 17 सक्किलप्पट्टरी	मदुरै (सबुथ)	मदुरै	तमिलनाडु	30-09-2008
		नं. 18 कोणप्पुदुप्पट्टरी	मदुरै (सबुथ)	मदुरै	तमिलनाडु	30-09-2008
4.	1628	नं. 4 करडीक्काल	तिरुमडगलम	मदुरै	तमिलनाडु	30-09-2008
	20-07-2008					
		नं. 5 चोदियक्कुलम्	तिरुमडगलम	मदुरै	तमिलनाडु	30-09-2008
		नं. 13 उरप्पनूर	तिरुमडगलम	मदुरै	तमिलनाडु	30-09-2008
		नं. 1 धर्मनुप्पट्टी	तिरुमडगलम	मदुरै	तमिलनाडु	30-09-2008
		नं. 10 कप्पनूर	तिरुमडगलम	मदुरै	तमिलनाडु	30-09-2008
		नं. 8 चक्कनालनपट्टी	तिरुमडगलम	मदुरै	तमिलनाडु	30-09-2008

[फा. सं. आर. 256(1)-5/2010, ओ.आर. 1]

बी. को. दत्ता, प्रमुख सचिव

New Delhi, the 30th April, 2010

S.O. 1435.—Whereas, by notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. Number and date as mentioned in the Schedule below issued under sub-section (1) of Section 6 of the Petroleum and Minerals Pipeline (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government acquired the right of user in the lands, specified in the Schedule appended to those notifications.

And whereas, in exercise of the power conferred by sub-section (4) of Section 6 of the said Act, the Central Government vested the right of user in the said lands, free from all encumbrances, in the Indian Oil Corporation Limited;

And whereas the Competent Authority has made a report the Central Government that the pipeline for the purpose of transportation of petroleum products from Chennai to Madurai via Tiruchirapalli in the State of Tamil Nadu, has been laid in respect of said lands, so the operation may be terminated in respect of the ROW (Right of Way) in land, description of which is brief is specified in the Schedule annexed to this notification;

Now, therefore, as required under explanation-1 of rule 4 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Rules 1963, the Central Government hereby declares the dates mentioned in Column 7 of the said Schedule as the dates of termination of operation.

SCHEDULE

District : Tiruvallur

State : Tamil Nadu

Sl. No.	S.O. No. and Date	Name of Village	Taluk	District	State	Date of Termination of operation
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1.	3216, 16-12-2004	No. 24. Sattankadu	Ambathur	Tiruvallur	Tamil Nadu	30-09-2005
		No. 41. Manali	Ambathur	Tiruvallur	Tamil Nadu	30-09-2005
		No. 28 Ariyalur	Ambathur	Tiruvallur	Tamil Nadu	22-09-2005
		No. 150 Vichur	Ponneri	Tiruvallur	Tamil Nadu	23-09-2005
		No. 121 Perungavoor	Ponneri	Tiruvallur	Tamil Nadu	30-09-2005
		No. 123. Kummanur	Ponneri	Tiruvallur	Tamil Nadu	24-09-2005
		No. 124 Angadu	Ponneri	Tiruvallur	Tamil Nadu	25-09-2005
		No. 125 Orakkadu	Ponneri	Tiruvallur	Tamil Nadu	26-09-2005
		No. 104 Sothuperumbedu	Ponneri	Tiruvallur	Tamil Nadu	28-09-2005
		No. 116 Sholavaram	Ponneri	Tiruvallur	Tamil Nadu	01-09-2005
2.	2244, 06-10-2000	No. 109 Erumaivettipalayam (New)	Ponneri	Tiruvallur	Tamil Nadu	30-09-2005
		No. 108 Attur	Ponneri	Tiruvallur	Tamil Nadu	22-08-2005
3.	2146 25-09-2000	No. 93 Kottaikuppam	Uthukottai	Tiruvallur	Tamil Nadu	20-08-2005
	2244, 06-10-2000	No. 110 Erumaivettipalayam (Old)	Ponneri	Tiruvallur	Tamil Nadu	30-09-2005
4.	2436 08-11-2000	No. 40 Pudukuppam	Tiruvallur	Tiruvallur	Tamil Nadu	30-09-2005
		No. 39 Ayalachery	Tiruvallur	Tiruvallur	Tamil Nadu	18-08-2005
		No. 38 Sengilikuppam	Tiruvallur	Tiruvallur	Tamil Nadu	30-09-2005
	2146 25-09-2000	No. 77 Boochiathipattu	Uthukottai	Tiruvallur	Tamil Nadu	30-09-2005
	2436 08-11-2000	No. 41 Koduvali	Tiruvallur	Tiruvallur	Tamil Nadu	30-09-2005
5.	2147 25-09-2000	No.3 Pondeswaram	Ambathur	Tiruvallur	Tamil Nadu	30-09-2005
		No.2 Alathur	Ambathur	Tiruvallur	Tamil Nadu	06-09-2005
		No.1 Kilkondaiyur	Ambathur	Tiruvallur	Tamil Nadu	10-10-2005

(1)	(2)	(3)	(4)	(5)	(6)	(7)
2476		No. 45 Melakondaiyur	Tiruvallur	Tiruvallur	Tamil Nadu	12-09-2007
08-11-2008		No. 84 Nallankavangoor	Tiruvallur	Tiruvallur	Tamil Nadu	12-09-2007
		No. 85 Puliyur	Tiruvallur	Tiruvallur	Tamil Nadu	15-09-2007
		No. 87 Veppampattu	Tiruvallur	Tiruvallur	Tamil Nadu	15-09-2007
		No. 90 Ayathur	Tiruvallur	Tiruvallur	Tamil Nadu	10-09-2007
		No. 92 Sewapettai	Tiruvallur	Tiruvallur	Tamil Nadu	06-09-2007
		No. 94 Tirur	Tiruvallur	Tiruvallur	Tamil Nadu	12-09-2007
		No. 89 Perumalpattu	Tiruvallur	Tiruvallur	Tamil Nadu	01-09-2007
		No. 100 Koppur	Tiruvallur	Tiruvallur	Tamil Nadu	02-09-2007
		No. 101 Nayapakkam	Tiruvallur	Tiruvallur	Tamil Nadu	20-09-2007
		No. 136 Thedukadu	Tiruvallur	Tiruvallur	Tamil Nadu	01-10-2007

District: Kancheepuram

State: Tamil Nadu

Sr. No. and Date	Name of Village	Taluk	District	State	Date of Termination of the
(1)	(2)	(3)	(4)	(5)	(6)
2245	No. 108 Kondavakkam	Sriperumbudur	Kancheepuram	Tamil Nadu	01-09-2007
06-11-2008	No. 107 Vatarpuram	Sriperumbudur	Kancheepuram	Tamil Nadu	28-09-2007
	No. 103 Nemili	Sriperumbudur	Kancheepuram	Tamil Nadu	01-09-2007
	No. 106 Ayakolathur	Sriperumbudur	Kancheepuram	Tamil Nadu	15-09-2007
	No. 105 Sriperumbudur	Sriperumbudur	Kancheepuram	Tamil Nadu	01-09-2007
	No. 113 Sirukiloy	Sriperumbudur	Kancheepuram	Tamil Nadu	20-09-2007
	No. 114 Padicheri	Sriperumbudur	Kancheepuram	Tamil Nadu	20-09-2007
	No. 115 Vada Mangalam	Sriperumbudur	Kancheepuram	Tamil Nadu	06-09-2007
	No. 155 Mambakkam	Sriperumbudur	Kancheepuram	Tamil Nadu	15-09-2007
2. 2566	No. 116 Thirumangalam	Sriperumbudur	Kancheepuram	Tamil Nadu	01-09-2007
16-11-2008					
2243	No. 152 Echoor	Sriperumbudur	Kancheepuram	Tamil Nadu	01-09-2007
06-10-2008					
	No. 174 Vadagal	Sriperumbudur	Kancheepuram	Tamil Nadu	20-09-2007
	No. 153 Budaner	Sriperumbudur	Kancheepuram	Tamil Nadu	15-09-2007
	No. 179 Mettupalayam	Sriperumbudur	Kancheepuram	Tamil Nadu	15-09-2007
3. 1888	No. 157 Thiruvenkaranai	Kancheepuram	Kancheepuram	Tamil Nadu	02-09-2007
18-08-2008					
2242	No. 212 Panruti	Sriperumbudur	Kancheepuram	Tamil Nadu	15-09-2007
06-10-2008					
1888	No. 165 Venbakkan	Kancheepuram	Kancheepuram	Tamil Nadu	16-09-2007
18-08-2008					
2241	No. 213 Panaiyur	Sriperumbudur	Kancheepuram	Tamil Nadu	20-09-2007
06-10-2008					
	No. 214 Ezhichoor	Sriperumbudur	Kancheepuram	Tamil Nadu	29-09-2007

(1)	(2)	(3)	(4)	(5)	(6)	(7)
4	2148 25-09-2000	No. 71 Palur	Chengalpattu	Kancheepuram	Tamil Nadu	15-07-2005
5	2246 06-10-2000	No. 96 Sathananjeri	Uthiramerur	Kancheepuram	Tamil Nadu	03-10-2005
		No. 95 Karumbakkam	Uthiramerur	Kancheepuram	Tamil Nadu	02-09-2005
		No. 94 Kavanipakkam	Uthiramerur	Kancheepuram	Tamil Nadu	20-07-2005
		No. 104 Mambakkam	Uthiramerur	Kancheepuram	Tamil Nadu	20-07-2005
		No. 105 Pernakkavoor	Uthiramerur	Kancheepuram	Tamil Nadu	20-07-2005
		No. 103 Thandarai	Uthiramerur	Kancheepuram	Tamil Nadu	21-08-2005
		No. 109 Sithanakkavoor	Uthiramerur	Kancheepuram	Tamil Nadu	21-08-2005
		No. 110 Annadur	Uthiramerur	Kancheepuram	Tamil Nadu	22-08-2005
		No. 113 Salavakkam	Uthiramerur	Kancheepuram	Tamil Nadu	10-08-2005
		No. 115 Kurumbarai	Uthiramerur	Kancheepuram	Tamil Nadu	10-08-2005
		No. 116 Kilakadi	Uthiramerur	Kancheepuram	Tamil Nadu	02-08-2005
6	2151 28-09-2000	No. 10 Kumaravadi	Madurantakam	Kancheepuram	Tamil Nadu	02-08-2005
		No. 11 Karungaracheri	Madurantakam	Kancheepuram	Tamil Nadu	01-08-2005
		No. 12 Palliagram	Madurantakam	Kancheepuram	Tamil Nadu	01-08-2005
	2151 28-09-2000	No. 13 Neill	Madurantakam	Kancheepuram	Tamil Nadu	25-07-2005
		No. 19 Pulidivakkam	Madurantakam	Kancheepuram	Tamil Nadu	01-08-2005
		No. 32 Vellaputhur	Madurantakam	Kancheepuram	Tamil Nadu	28-08-2005
		No. 38 Vinayaganallur	Madurantakam	Kancheepuram	Tamil Nadu	29-07-2005
		No. 39 Thuratyr	Madurantakam	Kancheepuram	Tamil Nadu	29-07-2005
		No. 41 Chithathur	Madurantakam	Kancheepuram	Tamil Nadu	29-07-2005
		No. 42 Valiyaputhur	Madurantakam	Kancheepuram	Tamil Nadu	29-07-2005
		No. 51 Puducheri	Madurantakam	Kancheepuram	Tamil Nadu	28-07-2005
		No. 52 Madurai	Madurantakam	Kancheepuram	Tamil Nadu	28-07-2005
		No. 53 Perumbakkam	Madurantakam	Kancheepuram	Tamil Nadu	27-07-2005
		No. 59 Sempundi	Madurantakam	Kancheepuram	Tamil Nadu	26-07-2005
		No. 64 Kilamur	Madurantakam	Kancheepuram	Tamil Nadu	25-07-2005
		No. 62 Padiri	Madurantakam	Kancheepuram	Tamil Nadu	22-07-2005
		No. 63 Velamur	Madurantakam	Kancheepuram	Tamil Nadu	20-07-2005
		No. 74 Kattukaranai	Madurantakam	Kancheepuram	Tamil Nadu	18-07-2005
		No. 115 Kottakayapakkam	Madurantakam	Kancheepuram	Tamil Nadu	17-10-2005
		No. 76 Madur	Madurantakam	Kancheepuram	Tamil Nadu	01-08-2005
		No. 114 Vilangadu	Madurantakam	Kancheepuram	Tamil Nadu	26-06-2005
		No. 113 Allamur	Madurantakam	Kancheepuram	Tamil Nadu	23-06-2005

(1)	(2)	(3)	(4)	(5)	(6)	(7)
		No. 112 Sirupairpandi	Madurantakam	Kancheepuram	Tamil Nadu	29-05-2007
		No. 99 Kilpattu	Madurantakam	Kancheepuram	Tamil Nadu	31-05-2005
		No. 16 Chithamur	Madurantakam	Kancheepuram	Tamil Nadu	29-05-2007
		No. 95 Kalattur	Madurantakam	Kancheepuram	Tamil Nadu	21-05-2005
		No. 94 Kongaraimanpattu	Madurantakam	Kancheepuram	Tamil Nadu	30-05-2007
		No. 93 Sirudamur	Madurantakam	Kancheepuram	Tamil Nadu	28-05-2007
		No. 91 Anantamangalam	Madurantakam	Kancheepuram	Tamil Nadu	28-05-2007

District: Villupuram

State: Tamil Nadu

Sl. No.	S.O. No.	Name of Village	Taluk	District	State	Date of Declaration
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1	2172 28-06-2006	No. 125 Olakkur Melpathi	Tindivanam	Villupuram	Tamil Nadu	28-06-2006
		No. 145 Tengapakkam	Tindivanam	Villupuram	Tamil Nadu	28-06-2006
		No. 144 Vairapuram	Tindivanam	Villupuram	Tamil Nadu	30-06-2006
		No. 28 Pulaiyur	Tindivanam	Villupuram	Tamil Nadu	10-07-2007
		No. 29 Neikuppi	Tindivanam	Villupuram	Tamil Nadu	19-06-2006
		No. 35 Ural	Tindivanam	Villupuram	Tamil Nadu	11-06-2006
		No. 34 Pampundi	Tindivanam	Villupuram	Tamil Nadu	30-07-2006
		No. 38 Venmeniyatur	Tindivanam	Villupuram	Tamil Nadu	12-06-2006
		No. 39 Kattusiviri	Tindivanam	Villupuram	Tamil Nadu	29-06-2006
		No.40 Kollar	Tindivanam	Villupuram	Tamil Nadu	12-06-2006
		No.41 Salai	Tindivanam	Villupuram	Tamil Nadu	12-06-2006
		No.42 Peradikuppam (Mel)	Tindivanam	Villupuram	Tamil Nadu	20-06-2006
		No.44 Vengandur	Tindivanam	Villupuram	Tamil Nadu	12-06-2006
		No.43 Asur	Tindivanam	Villupuram	Tamil Nadu	23-06-2006
2	1897 31-08-2006	No. 235 Kongarapattu	Gingee	Villupuram	Tamil Nadu	31-08-2006
		No. 238 Melsevur	Gingee	Villupuram	Tamil Nadu	23-06-2006
		No. 239 Marur	Gingee	Villupuram	Tamil Nadu	13-06-2006
		No. 141 Kalladipkuppam	Gingee	Villupuram	Tamil Nadu	18-06-2007
		No. 240 Kilvayalamur	Gingee	Villupuram	Tamil Nadu	17-06-2006
		No. 138 Aniladi	Gingee	Villupuram	Tamil Nadu	25-06-2006
		No. 137 MelGudalur	Gingee	Villupuram	Tamil Nadu	25-06-2007
3	1987 31-08-2006	No. 34 Tirunandhipuram	Villupuram	Villupuram	Tamil Nadu	27-06-2006
		No. 35 Brahmanadesam	Villupuram	Villupuram	Tamil Nadu	26-06-2006

(1)	(2)	(3)	(4)	(5)	(6)	(7)
	1989 05-09-2000	No. 101 Amoor	Ulundurpettai	Villupuram	Tamil Nadu	22-04-2005
		No. 85 Velur	Ulundurpettai	Villupuram	Tamil Nadu	03-07-2005
		No. 86 Tirunirankonrai	Ulundurpettai	Villupuram	Tamil Nadu	25-05-2005
		No. 84 Attur	Ulundurpettai	Villupuram	Tamil Nadu	23-06-2005
		No. 87 Nannaram	Ulundurpettai	Villupuram	Tamil Nadu	03-07-2005
		No. 82 Adhanur	Ulundurpettai	Villupuram	Tamil Nadu	29-06-2005
		No. 81 Pachapalaiyam	Ulundurpettai	Villupuram	Tamil Nadu	13-05-2005
		No. 78 Sellur	Ulundurpettai	Villupuram	Tamil Nadu	21-05-2005
		No. 79 Nemili	Ulundurpettai	Villupuram	Tamil Nadu	13-05-2005
		No. 80 Kambattu	Ulundurpettai	Villupuram	Tamil Nadu	01-09-2005
		No. 74 Konalavadi	Ulundurpettai	Villupuram	Tamil Nadu	14-05-2005
		No. 73 Vellaiyur	Ulundurpettai	Villupuram	Tamil Nadu	06-06-2005
		No. 72A Kumaramangalam	Ulundurpettai	Villupuram	Tamil Nadu	15-06-2005
		No. 71 Kanaiyur	Ulundurpettai	Villupuram	Tamil Nadu	06-05-2005
		No. 43 Pu-Malaiyanur	Ulundurpettai	Villupuram	Tamil Nadu	02-06-2005
		No. 44 Siruvattur	Ulundurpettai	Villupuram	Tamil Nadu	18-07-2005
		No. 50 Tiruppayar	Ulundurpettai	Villupuram	Tamil Nadu	09-05-2005
6.	1033 15-05-2000	No. 123 Kundalur	Kallakurichi	Villupuram	Tamil Nadu	17-05-2005
		No. 125 Eranji	Kallakurichi	Villupuram	Tamil Nadu	30-09-2005

District: Madurai

State: Tamil Nadu

Sl. No.	S.O. No. and Date	Name of Village	Taluk	District	State	Date of Termination of operation
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1	1321 16-06-2000	No.1 Surapatti	Melur	Madurai	Tamil Nadu	30-09-2005
		No. 4 Pottalpatti	Melur	Madurai	Tamil Nadu	30-09-2005
		No. 5 Tondilingapuram	Melur	Madurai	Tamil Nadu	30-09-2005
		No. 6 Chokkampatti	Melur	Madurai	Tamil Nadu	30-09-2005
		No. 9 Manappacheri	Melur	Madurai	Tamil Nadu	30-09-2005
		No. 10 Kunnarampatti	Melur	Madurai	Tamil Nadu	30-09-2005
		No. 47 Sekkipatti	Melur	Madurai	Tamil Nadu	30-09-2005
		No. 46 Kambur	Melur	Madurai	Tamil Nadu	30-09-2005
		No. 48 Kesampatti	Melur	Madurai	Tamil Nadu	30-09-2005
		No. 50 Vallalapatti	Melur	Madurai	Tamil Nadu	30-09-2005
		No. 51 Kidaripatti	Melur	Madurai	Tamil Nadu	30-09-2005

(1)	(2)	(3)	(4)	(5)	(6)	(7)
2.	1458 28-06-2000	No 73 Mangulam	Madurai North	Madurai	Tamil Nadu	30-09-2005
		No. 77 Kallandiri	Madurai North	Madurai	Tamil Nadu	30-09-2005
		No. 79 Savalakarayan	Madurai North	Madurai	Tamil Nadu	30-09-2005
		No. 80 Kollangulam	Madurai North	Madurai	Tamil Nadu	30-09-2005
		No. 81 Velliangundram & Andaman	Madurai North	Madurai	Tamil Nadu	30-09-2005
		No. 58 Erukkalainatham	Madurai North	Madurai	Tamil Nadu	30-09-2005
		No. 57 Usilampatti	Madurai North	Madurai	Tamil Nadu	30-09-2005
		No. 56 Kodimangalam	Madurai North	Madurai	Tamil Nadu	30-09-2005
		No. 54 Chettikulam	Madurai North	Madurai	Tamil Nadu	30-09-2005
		No. 35 Virapandi	Madurai North	Madurai	Tamil Nadu	30-09-2005
		No. 30 Veppangulam	Madurai North	Madurai	Tamil Nadu	30-09-2005
		No. 31 Boothagudi	Madurai North	Madurai	Tamil Nadu	30-09-2005
		No. 28 Melpanagadi	Madurai North	Madurai	Tamil Nadu	30-09-2005
		No. 26 Mulakaranai	Madurai North	Madurai	Tamil Nadu	30-09-2005
		No. 17 Podumbu Bit II	Madurai North	Madurai	Tamil Nadu	30-09-2005
		No. 18 Kovilpappagudi	Madurai North	Madurai	Tamil Nadu	30-09-2005
		No. 19 Vilangudi Bit II	Madurai North	Madurai	Tamil Nadu	30-09-2005
		No. 14 Paravai	Madurai North	Madurai	Tamil Nadu	30-09-2005
3.	1626, 18-07-2000	No. 5 Tuvaraman	Madurai South	Madurai	Tamil Nadu	30-09-2005
		No. 13 Vilacheri	Madurai South	Madurai	Tamil Nadu	30-09-2005
		No. 12 Sambakudi	Madurai South	Madurai	Tamil Nadu	30-09-2005
	1987 31-08-2000	No. 33 Senjikunnathur	Villupuram	Villupuram	Tamil Nadu	25-06-2005
		No. 32 Kulappakkam	Villupuram	Villupuram	Tamil Nadu	26-06-2005
		No. 31 Mandagappattu	Villupuram	Villupuram	Tamil Nadu	25-06-2005
		No. 37 Nandivadi	Villupuram	Villupuram	Tamil Nadu	22-04-2006
		No. 29 Nemur	Villupuram	Villupuram	Tamil Nadu	22-06-2005
		No. 28 Melakaranai	Villupuram	Villupuram	Tamil Nadu	22-06-2005
		No. 39 Vengayakuppam	Villupuram	Villupuram	Tamil Nadu	26-06-2005
		No. 40 Koralur	Villupuram	Villupuram	Tamil Nadu	26-06-2005
		No. 41 Kanjanur	Villupuram	Villupuram	Tamil Nadu	21-06-2005
		No. 26 Elusembon	Villupuram	Villupuram	Tamil Nadu	20-06-2005
		No. 45 Siruvali	Villupuram	Villupuram	Tamil Nadu	26-06-2005
		No. 66 Arumbuli	Villupuram	Villupuram	Tamil Nadu	26-06-2005

1	2	3	4	5	6	7
		No. 47 Veeramur	Villupuram	Villupuram	Tamil Nadu	05-06-2005
		No. 64 Valappattu	Villupuram	Villupuram	Tamil Nadu	27-06-2005
		No. 52 Kedar	Villupuram	Villupuram	Tamil Nadu	27-06-2005
		No. 62 Agaramchittamur	Villupuram	Villupuram	Tamil Nadu	26-06-2005
		No. 53 Kangiyanur	Villupuram	Villupuram	Tamil Nadu	10-09-2005
		No. 59 Karingalipattu	Villupuram	Villupuram	Tamil Nadu	28-06-2005
		No. 55 Mambalapattu	Villupuram	Villupuram	Tamil Nadu	28-06-2005
		No. 57 Siruvakkur	Villupuram	Villupuram	Tamil Nadu	30-06-2005
		No. 56 Kallapattu	Villupuram	Villupuram	Tamil Nadu	28-06-2005
4	1952 31-08-2000	No. 169 Marangiyur	Tirukkoyilur	Villupuram	Tamil Nadu	28-06-2005
		No. 156 Paiyur	Tirukkoyilur	Villupuram	Tamil Nadu	16-06-2005
		No. 158 T-Edaiyar	Tirukkoyilur	Villupuram	Tamil Nadu	29-06-2005
		No. 161 Manakuppam	Tirukkoyilur	Villupuram	Tamil Nadu	17-05-2005
5	1989 05-09-2000	No. 103 Periasavalai	Ulundurpettai	Villupuram	Tamil Nadu	17-05-2005
	1626	No. 25 Vadivelkari	Madurai South	Madurai	Tamil Nadu	30-09-2005
	18-07-2000	No. 23 Keelakuyilkudi	Madurai South	Madurai	Tamil Nadu	30-09-2005
		No. 24 Thattanur	Madurai South	Madurai	Tamil Nadu	30-09-2005
		No. 20 Vedarpuiankulam	Madurai South	Madurai	Tamil Nadu	30-09-2005
		No. 17 Sakkilipatti	Madurai South	Madurai	Tamil Nadu	30-09-2005
		No. 18 Konapudupatti	Madurai South	Madurai	Tamil Nadu	30-09-2005
6.	1628 20-07-2000	No. 4 Karadikal	Tirumangalam	Madurai	Tamil Nadu	30-09-2005
		No. 5 Chettikulam	Tirumangalam	Madurai	Tamil Nadu	30-09-2005
		No. 13 Urappanur	Tirumangalam	Madurai	Tamil Nadu	30-09-2005
		No. 11 Daramthupatti	Tirumangalam	Madurai	Tamil Nadu	30-09-2005
		No. 10 Kappalur	Tirumangalam	Madurai	Tamil Nadu	30-09-2005
		No. 8 Chockanathanpatti	Tirumangalam	Madurai	Tamil Nadu	30-09-2005

[F. No. R-25011 5.2010 OR-1]

B. K. DAFFA, Under Secy

नई दिल्ली, 30 अप्रैल, 2010

का.आ. 1136.—केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 6 की उप-धारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की नोच दी गई अनुसूची में यथा उल्लिखित तारीखों की अधिसूचना संख्या का.आ. 1991 तारीख 27 मई, 2005 द्वारा संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया था।

और केन्द्रीय सरकार ने, उक्त अधिनियम की धारा 6 की उप-धारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त भूमि में, जो सभी विल्लंगमों से मुक्त है, उपयोग का अधिसूचनाओं से संलग्न का अधिकार इंडियन ऑयल कॉर्पोरेशन लिमिटेड में, निहित किया था ;

और सक्षम प्राधिकारी ने केन्द्रीय सरकार को यह रिपोर्ट दी है कि तमिलनाडु राज्य में आईबीपी टर्मिनल, सीबीएमटी, मुट्टम गाँव से सीपीसीएल जैटी, पठनाचेरी गाँव तक पेट्रोलियम उत्पाद के परिवहन के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा पाइपलाइन बिछाई जा चुकी है, अतः उस भूमि में प्रचालन की समाप्ति की जाए जिसका संक्षिप्त विवरण इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट किया गया है।

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) नियम, 1963 के नियम 4 के स्पष्टीकरण-1 के अधीन अपेक्षानुसार उक्त अनुसूची के स्तंभ 7 में उल्लिखित तारीखों को प्रचालन की समाप्ति की तारीखों के रूप में घोषित करती है।

अनुसूची

जिला : नागपठनम						राज्य : तमिलनाडु
क्रम सं	का.आ.सं. एवं तारीख	गाँव का नाम	तालूका	जिला	राज्य	प्रचालन की समाप्ति की तारीख
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1.	1991 27-05-2005	नं 4, नागूर	नागपठनम	नागपठनम	तमिलनाडु	25-11-2006

[फा. सं. आर-25011/5/2010-ओ.आर.-1]

बी. के. दत्ता, अवर सचिव

New Delhi, the 30th April, 2010

S.O. 1136. --Whereas, by the notification of the Government of India in the Ministry of Petroleum and Natural Gas, S.O. Number 1991 dated the 27th May, 2005 issued under sub-section (1) of Section 6 of the Petroleum and Minerals Pipelines (Acquisition of Right of Users in Land) Act, 1962 (50 of 1962), the Central Government acquired the right of user in the lands, specified in the Schedule appended to those notifications.

And whereas, in exercise of the power conferred by sub-section (4) of Section 6 of the said Act, the Central Government vested the right of user in the said lands, free from all encumbrances, in the Indian Oil Corporation Limited:

And whereas, the Competent Authority has made a report to the Central Government that the pipeline for the purpose of transportation of petroleum products IBP Terminal, CBMT, Muttam Village to CPCL Jetty, Pattancheri Village in the State of Tamilnadu, has been laid in the said land, so the operation may be terminated in respect of the said land, the description of which in brief is specified in the Schedule annexed to this notification:

Now, therefore, as required under explanation-1 of rule 4 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Rules 1963, the Central Government hereby declares the date mentioned in Column 7 of the said Schedule as the dates of termination of operation.

SCHEDULE

District : Nagapattinam						State : Tamil Nadu
Sl. No.	S.O. No. and Date	Name of Village	Taluk	District	State	Date of Termination of operation
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1.	1991 27-05-2005	No. 4, Nagore	Nagapattinam	Nagapattinam	Tamil Nadu	25-11-2006

[F. No. R-25011/5/2010-OR-1]

B. K. DATTA, Under Secy.

श्रम एवं रोजगार मंत्रालय

नई दिल्ली, 1 अप्रैल, 2010

का. आ. 1137.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार यूनाइटेड बैंक ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, कानपुर के पंचाट (संदर्भ संख्या 260 आफ 99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-4-2010 को प्राप्त हुआ था।

[सं. एल-12011/36/99-आई आर(बी-II)]

यू. एस. पाण्डेय, डेस्क अधिकारी

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 1st April, 2010

S. O. 1137.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 260/99) of the Central Government Industrial Tribunal/Labour Court, Kanpur now as shown in the Annexure in the Industrial Dispute between the employees in relation to management of United Bank of India and their workmen, which was received by the Central Government on 1-4-2010.

[No. L-12011/36/99-IR(B-II)]

U. S. PANDEY, Desk Officer

ANNEXURE

**BERORE SRI RAM PRAKASH, HJS, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURTS, KANPUR**

Industrial Dispute No. 260 of 99

In the matter of dispute between—

United Bank of India Sramik Karamchari Samity,
C/o. United Bank of India,
28/93, Bhirana Road,
Kanpur

And

United Bank of India,
Chief Regional Manager,
United Bank of India,
Central Region,
4-B, Habibullah Estate,
Lucknow.

AWARD

1. The Central Government, MOL, New Delhi vide Notification No. L-12011/36/99 IR(B-II) dated 16-8-99 has referred the following dispute for adjudication to this tribunal.

2. Whether the claim of the union for payment of OTA to staff and sub staff on 11-4-99 and 12-4-99 by the management of United Bank of India is justified? If not to what relief the workers concerned is entitled to?

3. Brief facts of the case is that as per the order of the Reserve Bank of India, the banks were instructed to keep their branches open for full day working on Saturday 11th April 99, and 12th April, 99 Sunday. The branches of the opposite party bank functioned full working day on both the days, therefore, the members of the award staff (workmen) became entitled to receive payment of overtime wages as mentioned in para 3 of the claim statement. Therefore, they have prayed that the opposite party be directed to make the payment of over time to sub staff and clerical staff.

4. Opposite party has opposed the claim of the union on the ground that they have not violated any of the instructions and guide lines issued by Indian Banks Association. As per the contents of the Allahabad Bank's circular quoted by the applicant opposite party bank being a separate and independent entity is under no obligation to be bound by the guide lines framed by the former. Moreover, no specific instance has been quoted by the applicant in the statement of claim giving the names of the branches or names of the aggrieved persons who have been deprived of their lawful dues. Therefore, they prayed that the claim of the union is not maintainable and be rejected.

5. Claimant has not filed any evidence, even did not appear at the time of arguments for lawful discussions. Opposite party has opposed the claim of the claimant.

6. I have perused the record heard the argument at length.

7. Perusing the record in absence of specific evidence and instances, I do not find any weight in the claim of the claimant union; therefore, claim is not maintainable and therefore, is reference is decided against the claimant union and in favour of the opposite party accordingly.

22-3-2010

RAM PRAKASH, Presiding Officer

नई दिल्ली, 1 अप्रैल, 2010

का. आ. 1138.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार यूनियन बैंक ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, कानपुर के पंचाट (संदर्भ संख्या 283 आफ 99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-4-2010 को प्राप्त हुआ था।

[सं. एल-12011/88/99-आई आर(बी-II)]

यू. एस. पाण्डेय, डेस्क अधिकारी

New Delhi, the 1st April, 2010

S. O. 1138.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 283/99) of the Central Government Industrial Tribunal/Labour Court, Kanpur now as shown in the Annexure in the Industrial Dispute between the employees in relation to management of Union Bank of India, and their workmen, which was received by the Central Government on 1-4-2010.

[No. L-12011/88/99-IR(B-II)]

U. S. PANDEY, Desk Officer

ANNEXURE

**BERORE SRI RAM PRAKASH, HJS, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT, KANPUR**

Industrial Dispute No. 283 of 99

in the matter of dispute between—

Union Bank Staff Association,
Secretary, U.P. Bank Staff Association,
C/o. Union Bank of India,
24-53, Bhirana Road,
Kanpur, U.P.

And

Union Bank of India,
Assistant General Manager,
Union Bank of India,
Panda Nagar,
Kanpur

AWARD

1. Central Government, MOL, New Delhi vide Notification No. L-12011/88/99-IR(B-II) dated 5-11-99, has referred the following dispute for adjudication to this tribunal.

2. Whether the action of the management of Union Bank of India, Kanpur in not giving the Special Allowance for the post of Data Entry Operator to S/Sh. M. C. Gupta, A. K. Jain and M. C. Pandey from the date of posting of the junior most workmen is legal and justified? If not what relief the workmen concerned are entitled to?

3. Brief facts of the case are that Sri Madhukar Pandey, Sri M. C. Gupta and Sri A. K. Jain, who are in the clerical cadre have filed their claim statement through Sri P. N. Shukla, Secretary Union making a prayer that they should be awarded the special allowance of Rs. 285 with effect from 1-9-96 to 4-5-97, for the post of Data Entry Operator. It is alleged by them that they were the senior most clerks at the station. It is admitted fact that as per staff circular dated 23-10-92, the appointed officials on the post of Data Entry Operator have to be awarded special allowance of Rs. 285

per month. It is also an admitted fact that to fill up those post of Data Entry Operator, the aptitude test has to be conducted from the working senior most clerks working at the station. It is also admitted fact that till the regular appointment on the post of Data Entry Operator, there is a provision of appointing Data Entry Operator on ad-hoc basis from amongst the senior most clerks working at the station. Opposite party has created three posts of Data Entry Operator and the applicants being the senior most were to be appointed as Data Entry Operator on ad-hoc basis till regular appointment and therefore were entitled to get the special allowance, but the management in order to deprive the claimants from getting special allowance appointed the junior officials Sri Hari Bajpai, Sri P. K. Tiwari, Sri A. K. Chakrawarty as Data Entry Operator and they were paid special allowance. It is alleged that the opposite party has violated the terms of the appointment on ad-hoc basis and they have acted mala-fide. Therefore, they are entitled for the special allowance as mentioned in the chart along with interest at the rate of 15%.

4. Opposite party has filed the reply. They have raised a number of pleas regarding that the reference is bad in law; there is no cause of action to the claimants. The matter does not fall under the Industrial Disputes. Main contention have been given in Para 9 of the reply. In Para 9 it is also admitted the creation of the post. It is also admitted how the regular appointment has to be made. It is also admitted that till regular appointment ad-hoc appointment will be made on the basis of seniority of the employees. They have stated that in case of the appointment is an ad-hoc basis is declined by any person for any reasons, the next person entitled is given the chance, thus no right or entitlement of any one is ever adversely affected by the management. Posting on ad-hoc basis is legal and justified and within the frame work of the rules. Opposite party has mentioned the facts of other industrial dispute cases Case No. 14/99, 283/99, I.D. Case No. 181/98 in Para ten of the reply, but I do not find much relevancy in deciding the present case. Therefore, they have opposed the claim of the claimants.

5. Claimants have filed a rejoinder vide Paper No. 11/1-11/2 alleging that the action of the opposite is not justified. They have not disclose how the junior employees have been posted on the post of Data Entry Operator and why the claimants have been deprived off their claim for the post on ad-hoc basis and the claim of special allowance.

6. Both the parties have adduced documentary as well as oral evidence. Claimants have filed 6 papers vide index 7/1. Paper No. A-1 is the Letter of the UBI to A.I.C.C., Paper No.-2 is the letter dated 13-10-95 issued by the bank issued to Sri S. K. Rakhit, Paper No. A-3 Settlement of Computer agreement, Paper No. A-4 Staff Circular No. 3913 dated 23-10-92, Paper No. A-5 is the dispute raised by the Union and A-6 is the seniority list of the clerks.

7. Opposite party has also. filed 6 papers vide list paper no.4/1. First paper is copy of staff circular no.3913, paper no. 2 is staff circular no. 4057, paper no.3 is reference order pertaining to I. D. Case No.181 of 98, paper no.4 is the reference order pertaining to. I. D. Case No. 14/99, paper no.5 is the copy of reply dated 13-5-97 of the Union Bank of India before ALC Kanpur and paper no.6 is the memo. dated 25-4-97 by the bank to Sri Madhukar Pandey.

8. Claimant has adduced oral evidence. WW-1 is a witness Sri Mahesh Chandra Gupta and W.W.2 is Sri Akhilesh Kumar Jain who is the claimants. Opposite party has adduced evidence of Sri D. K. Sharma as M.W.1.

9. I perused the whole record, evidence and heard the arguments at length.

10. During arguments the authorized representative for the opposite party has argued that the claimants though being senior at the station but have refused to be appointed as data entry operator on ad-hoc basis.

11. The only short question therefore, is to be decided is as to, whether the claimants have ever refused to be appointed as data entry operator on ad-hoc basis.

12. Opposite party has not specifically mentioned in their reply that the claimants have specifically refused to be appointed as data entry operator on ad-hoc basis. It is the claim of the claimants that they were the senior most at the station. This fact is admitted by the opposite party. This is also admitted that till regular appointment which can be made only after conducting the aptitude test etc. there is a provision for appointing on ad-hoc basis and providing them special allowance. Both the witness W.W.1 and W.W.2 stated on oath that they were never invited by the management for their posting on ad-hoc basis at the post Data Entry Operator. Now the burden shifts on the opposite party. Opposite party has not filed any documentary or conclusive evidence on which they can say that they have given the chance to the claimant for appointment on ad-hoc basis for the aforesaid post.

13. M.W.-1 Sri Sharma has stated in his cross that all the claimants were given in writing a chance for their appointment at the post of Data Entry Operator. But the management has not filed any such refusal letter or order of the competent person.

14. Therefore, in my view the evidence given by the claimants is believable. The contention of the opposite party that the claimants have refused to be appointed as Data Entry Operator on ad hoc basis does not have any force. as there was also no occasions for the claimants to raise the industrial dispute when they may have refused. There is also no force in the contention of the opposite party that the reference is bad in law, there is no force in the reply that there is no cause of action.

15. Therefore, considering all the facts and circumstances, reference is decided in favour of the Union and against the opposite party. Claimants become entitled to get special allowance for that period but without interest.

16. Reference is disposed off accordingly.

Dated : 22-3-2010 RAM PRAKASH, Presiding Officer

नई दिल्ली, 5 अप्रैल, 2010

का. आ. 1139.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एवं ई.सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, असनसोल के पंचाट (संदर्भ संख्या 6/1998) को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-4-2010 को प्राप्त हुआ था।

[सं. एल-22012/04/1997-आई आर(सी-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 5th April, 2010

S. O. 1139.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 06/1998) of the Central Government Industrial Tribunal-cum-Labour Court, Asansol as shown in the Annexure in the industrial Dispute between the employers in relation to the management of ECL, and their workman, which was received by the Central Government on 5-4-2010.

[No. L-22012/04/1997-IR(C-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ASANSOL.

PRESENT : Sri Manoranjan Pattnaik, Presiding Officer

Reference No. 06 of 1998

PARTIES : The Agent, Tilaboni Colliery of M/s
ECL, Ukhra, Burdwan.

Vrs

Org. Secretary, C.M.U (INTUC), Ukhra,
Burdwan

REPRESENTATIVES:

For the Management : P.K.Das, Advocate.

For the Union (Workman) : Asim Banerjee

INDUSTRY : COAL

STATE : WEST BENGAL

Dated : 10-03-2010

AWARD

In exercise of power conferred by clause (d) of Sub-Section (1) and Sub-Section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), Govt. of India through the Ministry of Labour vide its letter No. L-22012/04/1997-IR (C-II) dated 5-3-1998 has been pleased to refer the following dispute for adjudication by this Tribunal.

SCHEDULE

“Whether the action of the management of Tilaboni Colliery, under Bankola Area of M/s ECL in not regularizing Sri Ashok kumar Chakraborty, as Truck Challan Munshi w.e.f. 14-05-1994 is justified? If not, what relief the workman is entitled to?”

Having received the Order No. L-22012/04/1997-IR (C-II) dated 5-3-1998 of the above said reference from the Govt. of India, Ministry of Labour, New Delhi for adjudication of the dispute, a reference case No. 06 of 1998 was registered on 30-03-1998 and accordingly an order to that effect was passed to issue notices through the registered post to the parties concerned directing them to appear in the court on the date fixed and to file their written statements along with the relevant documents and a list of witnesses in support of their claims. In pursuance of the said order notices by the registered post were sent to the parties concerned.

In response to the notice issued from the Tribunal both the parties made their appearance and filed their respective pleadings. While the union relied on documentary evidence only the management preferred not to adduce any evidence.

On perusal of the pleading of the parties, evidence on record and upon hearing the learned counsel for both the sides, the workman Sri Ashok Kumar Chakraborty initially joined as Cat.-I Mazdoor at Tilaboni Colliery. The claim of the workman that he has asked to work as Truck Challan Munshi w.e.f. 14-05-1994 has also not been challenged as it is but the management has maintained that the workman was advised to work as Truck Challan Munshi in addition to his normal job due to certain exigency of work and for which the workman concerned is claiming for regularization. The management has also maintained that simple passing of School Final Examination or Higher Secondary Examination is not the only criteria for regularization in the higher category of post i.e. Truck Challan Munshi which will be in violation of the guideline of the National Coal Wage Agreement-V

In view of the clear admission of the fact that the workman was deployed to work as Truck Challan Munshi i.e. on higher grade of post. All the documents which relied upon from Exbt. I to Exbt. II/v which needs no elaborate discussion. The simple question remains as to whether the

workman who has been continuously and for a long time being deployed to work in the Higher Grade of Post. He is entitled to be regularized in the service or not. In this connection, the settled position being that employer ordered to look up the duties of the higher post temporarily or in officiating capacity is entitled for payment of higher salary (S.C.) 2003 ILR 658 Selva Raj Vrs. Lt. Governor Port Blair and others.

It is needless to say that the workman is entitled for minimum wages in higher post as per National Coal Wage Agreement-V. But with regard to the promotion, guideline of National Coal Wage Agreement along with cadre scheme has to be followed. At any rate the action of the management of Tilaboni Colliery under Bankola Area of M/s Eastern Coalfields Ltd. in not regularizing of the service of Sri Ashok Kumar Chakraborty as Truck Challan Munshi w.e.f. 14-05-94 is not justified. He is entitled to get the higher wages admissible for the said post of Truck Challan Munshi w.e.f. 14-05-94 and for promotion subject to the norms prescribed in National Coal Wage Agreement and Cadre Scheme in view of the long lapse of time, the management is required to implement the order within two months from the date of notification of the award. Hence, it is ordered.

ORDER

Let an award be and same is passed as per above. Send the copies to Govt. of India for information and needful.

MANORANJAN PATTNAIK, Presiding Officer.

नई दिल्ली, 5 अप्रैल, 2010

का. आ. 1140.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एवं ई.सी. एल. के प्रबंधन के संयुक्त नियोजकों और उनके कर्मचारियों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण श्रम न्यायालय, असनसोल के पंचाट (संदर्भ संख्या 48/1998) को प्रकटित करती है, जो केन्द्रीय सरकार को 5-4-2010 को प्राप्त हुआ था।

[सं. एल-22012/323/1997-आई आर सी-II.]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 5th April, 2010

S. O. 1140.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 48/1998) of the Central Government Industrial Tribunal-cum-Labour Court, Asansol as shown in the Annexure in the industrial Dispute between the employers in relation to the management of ECL and their workman, which was received by the Central Government on 5-4-2010.

[No. L-22012/323/1997-IR(C-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE
BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
ASANSOL

Reference No. 48 of 1998

PRESENT : Sri Manoranjan Pattnaik,
PARTIES : Industrial Dispute between the
 management of Parascole Colliery,
 Kajora Area of E.C.L.

Vrs.

Their Workman

REPRESENTATIVES:

For the Management : P.K.Das, Advocate.

For the Union side : Sri N. Ganguly Advocate

INDUSTRY: COAL

STATE : WEST BENGAL

Dated : 18-03-2010

AWARD

In exercise of power conferred by clause (d) of sub-Section (1) and sub-section 2(A) of section 10 of the Industrial Dispute Act, 1947 (14 of 1947), Govt. of India through the Ministry of Labour vide its letter No. L-22012/323/97-IR (CM-II) dated 25-8-1998 has been pleased to refer the following dispute for adjudication by this Tribunal.

SCHEDULE

"Whether the action of the management of Parascole Colliery under Kajora Area of M/s. Eastern Coalfields Limited, in not providing employment to Smt. Phoolmani Majhain, the dependant of Late Suku Majhi, Ex-Line Mazdoor as per provision of NCWA-IV is legal and justified. If not, to what relief is the workman entitled?"

2. Pursuant to the order No. L-22012/323/97/IR (CM-II) dated 25-8-1998 of the above said reference from the Govt. of India, Ministry of Labour, New Delhi, for adjudication of the dispute, a reference case No. 48 of 1998 was registered on 1-9-1998 and accordingly an order to that effect was passed to issue notices through the registered post to the parties concerned directing them to appear in the court on the date fixed and to file their Written Statements along with the relevant documents and a list of witnesses in support of their claims. In pursuance of the said order notices by the registered post were sent to the parties concerned.

3. Both the parties have filed their respective pleading while the union has relied on both the documentary and oral evidence the Employer has not adduced any evidence. Case of the Union, shun of all

details, is that Smt. Phoolmani Majhain is the widow of the Late workman Suku Majhi, Ex. Line Mazdoor who died on 26-10-1990. Smt. Phoolmani applied for employment on compassionate ground as per provision of National Coal Wage Agreement-IV. The management, however, did not bother for miserable plight of this helpless widow belonging to the scheduled tribe and for her children and after lapse of 7 years simply granted only maintenance of Rs.2000 per month only refusing employment. Alleging discrimination and grant of a paltry amount which is even not the prescribed minimum wages and maintaining that the action of the management is denial of the right of the widow dependents of the deceased workman and violative of provision of NCWA-IV. The Union urged for holding the action of the management as illegal and unjust and for granting of relief by providing employment to Phoolmani.

Employer's case in short is that the workman an employee of Parascole Colliery (ECL) worked as line Mazdoor since 31-1-1973. He was missing since February, 1987 as per the intimation of Phoolmani Majhain dt. 27-8-1990. She also intimated about lodging of missing report of Suku Majhi at the Police Station on 14-2-1987. Suspicion grew for entry of the name of the mother of late workman in the C.M.P.F. nomination paper instead of Phoolmani, if at all she was the wife and also for the birth of the second daughter after the reported missing of Suku Majhi. The representation of Phoolmani being self contradictory and appearing to be taken as misrepresentation of facts, the management simply granted allowance of Rs. 2000 per month on the proposal of re-employment submitted by the union on 18-6-1996. The allowance was granted to Smt. Phoolmani Majhain till as of 60 years or death whichever is earlier but she refused to accept and insisted for employment. Maintaining that the relationship of Phoolmani with the Suku Majhi as his legally married wife having not been established provision under 9.4.1 of NCWA-IV employment is not attracted and alleging that claim of Phoolmani as imaginary, baseless and fictitious and that the company undergoing financial loss, the employer management urged to hold their action as legal and justified.

On perusal of evidence on record and hearing the arguments of learned counsel for both parties it is found that the management does not refute the fact that the Late workman, Suku Majhi was an employee of the E.C.L rather it has positively admitted that Suku Majhi worked as Line Mazdoor since 31-1-1973. While it is claimed by the union on behalf of the widow of the workman that Suku Majhi died on 26-10-1990, the management maintains that as per intimation dt. 27-08-1990 received from Phoolmani, Suku Majhi was missing since February, 1987 and further that missing report was also lodged at the Police Station. No death certificate has been filed by the union. In her oral evidence, Phoolmani has stated about filing of a death certificate, though in fact no such certificate has been filed. It is not significant as this fact has simply been ascertained

during the cross-examination only of Phoolmani, a credulous illiterate tribal lady. Then management has though in then pleading has challenged the death but from their conduct it appears that they are never at variance on the factum of death of Suku Majhi as maintenance of Rs. 2000 per month has admittedly been granted by the competent Authority to Phoolmani till 60 years of age or death which ever is earlier vide letter dt. 16-03-1997 (Exbt. 5/W) with immediate effect and thereby officially acknowledging not only the death of Suku Majhi but also the fact that Phoolmani is the wife (Widow) of Suku Majhi. That apart, the documents relied on by the union like Voter Identity Card (Ext. 1/W) Bahula Gram Panchayet's certificate (Ext. 2/W), certificate of the M.L.A., Sri Lakshman Bagdi (Ext. 3/W) and the Ration Card (Ext. 4/W) amply prove both the above facts. Exact date of death of Suku Majhi though is not proved but in the fact of the above over whelming evidence, no persistent of doubt exists regarding the death of Suku Majhi and that Phoolmani is his dependant widow which has otherwise been acknowledged by the management. The management cannot blow hot and cold at the same time and challenge the marital status of Phoolmani and parenthood of the second daughter said to have been born after the missing of Suku Majhi which they have pleaded. In fact the intimation dated 27-8-1990 of Phoolmani reporting about missing of Suku Majhi since February, 1987 and about lodging of missing report to the management as claimed by the management in their pleading have not been proved at all. As such, there is nothing against holding that Suku Majhi died on 26-10-1990 while in service and that Phoolmani is his dependant widow. Parties are not controverting on the legally binding provision under the NCWA-IV 9.4.1 for providing employment to one of the dependant of the worker who dies while in service. In the pleading though the management in vain raised a controversy regarding not changing of name of nominee in the Gratuity Nomination Paper is of no consequence at all in view of the facts proved above. The management is thus bound to be under legal obligation to provide employment to the dependant widow of the Late workman namely Phoolmani Majhain. Providing only maintainance instead of employment is not tenable under law. As such the action of the management of Parascole Colliery of M/s E.C.L by not providing employment to Smt. Phoolmani Mejhain the dependant of Late Suku Majhi, Ex-line Mazdoor as per provision of NCWA-IV is not legal and justified. Smt. Phoolmani Mejhain is entitled for employment since the date of her application Since she has not been provided employment and has been granted the maintainance only which has been refused by her, it will be just and proper for requiring the management to pay the minimum wages prescribed by the Govt. to her since the date of her application and employment with immediate effect observing usual formalities. In view of long lapse of time and the plight of the helpless widow and her children, the management will

do good if it disburse entitled amount immediately but at any rate it is to be implemented within two months of the notification including the other relief. Accordingly, it is ordered:

ORDER

Let an award be and same is passed in terms of the above. Copies be sent to the Govt. of India.

MANORANJAN PATTNAIK, Presiding Officer

नई दिल्ली, 5 अप्रैल, 2010

का. आ. 1141.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई.सी.एल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, आसनसोल के पंचाट (संदर्भ संख्या 75/1999) को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-4-2010 को प्राप्त हुआ था।

[सं. एल-22012/75/1998-आई आर(सी-11)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 5th April, 2010

S. O. 1141.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.75/1999) of the Central Government Industrial Tribunal-cum-Labour Court Asansol as shown in the Annexure in the Industrial Dispute between the employers in relation to management of ECL, and their workman, which was received by the Central Government on 5-4-2010.

[No. L-22012/75/1998-IR(C-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BERORETHE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ASANSOL

Reference No. 75 of 1999

PRESENT : Sri Manoranjan Pattnaik
PARTIES : Industrial Dispute between the management of Chora Colliery, Kenda Area of E.C.L.

Vrs

Their workman

REPRESENTATIVES:

For the applicant : Sri N.Ganguly, Advocate
For the Opposite Party : Sri P.K.Goswami, Advocate.
(Management)
INDUSTRY : COAL
STATE : WEST BENGAL

Dated:15-3-10

AWARD

In exercise of powers conferred by Clause (d) of sub-section(1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), Govt. of India through the Ministry of Labour vide its letter No.L-22012/75/1998/IR(CM-II) dated 7-7-1999 has been pleased to refer the following dispute for adjudication by this Tribunal.

SCHEDULE

"Whether the action of the management of Chora Colliery under Kenda Area of M/s. Eastern Coalfields Limited, in not regularizing Sri Pranab Kumar Das Para Medical Trainee as clerk appointed on 30-8-1980 is legal and justified. If not, to what relief is the workman entitled?

2. Pursuant to the order No.L-22012/75/1998/IR(CM-II) dated 7-7-1999 of the above said reference from the Govt. of India, Ministry of Labour, New Delhi, for adjudication of the dispute, a reference case No.75 of 1999 was registered on 25-7-1999 and accordingly an order to that effect was passed to issue notices through the registered post to the parties concerned directing them to appear in the court on the date fixed and to file their written Statements along with the relevant documents and a list of witnesses in support of their claims. In pursuance of the said order notices by the registered post were sent to the parties concerned.

3. In response to the notice both the parties made their appearance through their Counsel and filed their respective pleadings.

4. The workman's simple case as reflected from the pleadings is that the workman Sri Pranab Kumar Das initially appointed as a para medical trainee in the Medical Department of the employer was engaged to perform the work of a clerk w.e.f. 31-8-1981 as there was no clerk in the Department. He was entitled to get salary in the Scale of grade-III and promotion to next higher grade after completion of three years but his service was not regularized despite representation made by him. The Personnel Department of the Employer avoided to regularize the workman in the said post on the ground that isolated case would not be considered. The workman appeared in the written examination and oral test for appointment as clerk in response to the Circular of the Employer and was placed in serial No. 24 in the list only 12 candidates were appointed out of the list serially. The workman claimed for regularization since, 31.8.81 and timely promotion to higher grade on completion of every three years. The committee formed on 1995 by the Employer and consisting of representative of both the Employer and the Union has submitted report justifying the claim of the workman. Asserting his sincere and dedicated service and availability of post in the company and alleging Employer's inaction on the matter, the workman through the union

urged for relief by holding that non-regularization is not legal and justified.

5. Employer's stand as per their pleadings is that the workman was provided with the pay in grade-II after one year of his joining as para medical trainee. The workman was advised to perform some co-related work to his job only and hence is not entitled for higher scale. Regularization of post is being done on availability of the post and the promotion as per norms of National Coal Wage Agreement. The Union's claim for higher grade for the workman is out of the provision and contravenes the norms and statute. The workman in fact appeared in the examination held for the post in the year 1985 but was not taken as better qualified and experienced candidates were appointed. The workman nor the union raised any dispute in respect of the filling of the post by said process. The workman having availed the opportunity in the due process of filling the post as per law, his claim for regularization stands as infructuous. The management has not extracted the work of higher grade from the workman and as such the management had the right to deny him the wages of the clerk. The Employer thus has urged to hold their action on that score as legal and justified.

6. On going through the pleading and evidence on record and having heard the learned counsel for both the sides, it is found that the claim of appointment of the workman as para medical trainee and his grant of pay in Grade -II is an admitted fact. The fact that regular examination to fill up the post of clerk was held in the year 1985 and the workman appeared and was placed at Sl.No.24 of the merit list and that some others in the list were given appointment as per list serially stand unrefuted. The present Industrial Dispute is not directed against that. As such, the workman's claim is based only on the ground that work of clerk was extracted from him w.e.f. 31-8-1981 but salary in grade-III scale meant for clerk was not granted and the service in next higher grade was not regularized.

7. With regard to the alleged extraction of work of a clerk by the Employer, from the workman, the management has not denied it in specific words nor has specifically indicated about the job-related works those were entrusted to the workman as pleaded. The evidence of the Workman that there was no clerk posted in the Medical Department has not been challenged. Further, the unblemished evidence of the workman reveal that his norm of work as para medical trainee was to attend administering medicines, dressing etc., but he was maintaining register and doing the work of dispatch etc., which is undoubtedly the work of a clerk.

In view of the complete silence of the management on the matter and the above positive evidence, one can safely accept the version of the workman as true. It is also evident from the letter of the management dt.9-12-82 (Ext W/1) that the workman was considered to be deployed as clerk meaning that he was qualified to the post and was called

for written examination. The report of the Committee (Ext. W-2) constituted by the General Manager of Kenda Area also lays support to the claim of the workman. As such it is quite clear that the workman was in fact engaged to do the clerical work besides his job as para- medical trainee. It is settled position of law that employee ordered to look up the duties of the higher post temporary or in officiating capacity is entitled for payment of higher salary i.e. salary of a clerk in the case. This proposition is bolstered by the reported decision of the Hon'ble Supreme Court in the case of Selva Raj Vrs. Lt. Governor Port Blair and others and another (S.C.)2003 ILR 658) The employer having extracted the work of a clerk from the workman continuously is liable to pay him the higher salary w.e.f. 31-8-1981 and to regularize him and to consider consequent promotional benefit subject to the provision of the National Coal Wage Agreement-III. Cadre Scheme and other connected rules. The action of M/s. Eastern Coal Fields Ltd., in not regularizing the service of Sri Pranab Kumar Das, para medical trainee as clerk is held not legal and justified and the workman is entitled to minimum wages of clerk for the period clerical work has been extracted from him w.e.f. 31-8-1981 and with other consequential benefit. Hence it is ordered.

ORDER

Let an award be and same is passed as per above Copies be sent to Govt. of India

MANORANJAN PATTNAIK, Presiding Officer

नई दिल्ली, 5 अप्रैल, 2010

का. आ. 1142.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एफ. सी. आई. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 1, चण्डीगढ़ के पंचाट (संदर्भ संख्या 339/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-4-2010 को प्राप्त हुआ था।

[सं. एल-22012/68/2000-आई आर(सी- II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 5th April, 2010

S. O. 1142.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 339/2000) of the Central Government Industrial Tribunal -cum- Labour Court No. 1, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of FCI, and their workmen, which was received by the Central Government on 5-4-2010.

[No. L-22012/68/2000-IR(C-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE SHRI GYANENDRA KUMAR SHARMA,
PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURTS-1,
CHANDIGARH

Case I. D. No. 339/2000.

Shri Pankaj Goyal,
975, Subhash Street,
Amrik Singh Road,
Bhatinda (Punjab).

Applicant

Versus

The District Manager,
Food Corporation of India,
Bhagu Road, Bhatinda.
(Punjab).

Respondant

APPEARANCES

For the Workman : Shri Suresh Singla

For the Management : Shri N. K. Zakhmi.

AWARD

Passed on : 23-3-10

Government of India vide notification No. L-22012/68/2000-IR(CM-II), dated 5-9-2000 by exercising its powers under Section 10 of the Industrial Disputes Act, (the Act 1947 in short) has referred the following industrial dispute for adjudication to this Tribunal:—

“Whether the action of the management of Food Corporation of India, Bhatinda in terminating the services of Shri Pankaj Goyal S/o Shri Parkash Chand Goyal w.e.f. 31-8-94 is just and legal? If not, to what relief the workman concerned is entitled and from which date?”

After receiving the reference, parties were informed. Parties appeared and filed their respective pleadings. The case of the workman in nut shell is that he was appointed by the management of respondent Food Corporation of India as clerk on 31-8-91 at the fixed salary of Rs. 1,126 per month. His services were terminated by the management of Food Corporation of India without notice or one month wages in lieu of notice and without payment of terminal dues on 31-8-94. The termination was illegal as being against the provisions of the Act. He has completed 240 days of work in the preceding year from the date of his termination. On the basis of the above the workman has prayed for setting aside the termination and consequential order for his reinstatement into the services with consequential benefits.

The management of Food Corporation of India appeared and opposed the claim of the workman by filing written statement. Management of respondent Food Corporation of India opposed the claim on the ground that their existed not employer and employee relationship between the workman and the management of Food Corporation of India. The services of the workman were provided with by a contractor Associates and Detectives. The services of the workman were not terminated by the management.

Both of the parties were afforded the opportunity for adducing evidence. Workman Shri Pankaj Goyal filed his affidavit and he was cross examined by the learned counsel for the management on 18-12-09 Shri Surender Kumar who is said to be the Supervisor of the Associates and Detectives filed his affidavit and he was cross-examined by the learned counsel for the workman as MW1. Likewise, Shri C. P. Saharan filed his affidavit on behalf of the management and he was cross-examined by learned counsel for the workman as MW2 on 10-2-09. Parties were heard at length. I have perused all the materials on record. The management has also supplied the documents relating to the agreements with the Associates and Detectives for providing contractual labour. The workman has also filed certain documents which includes photocopies of the peon book in which the name of the workman does not figure. Every photocopy of the peon book contains signature of the workman at the column 'by whom delivered'.

On the basis of this document the workman changed his contention when he filed the affidavit. In his affidavit the workman has stated that he was appointed as clerk-cum-peon, whereas, in his pleadings (statement of claim) he has stated that he was appointed as clerk. In his cross-examined he has admitted that clerk-cum-peon are two posts of different cadres. One person cannot be appointed clerk and peon simultaneously. Thus, the statement given in affidavit by the workman that he was appointed as clerk-cum-peon cannot be relied upon.

The main dispute between the management and the workman before this Tribunal is whether workman is employee of the management of Food Corporation of India, or his services were provided by any outsourcing agency? The consequential dispute is to what relief, if any, the workman is entitled.

So far as the relationship between the management of Food Corporation of India and workman is concerned, it is a matter of fact and will be adjudicated on perusal of the pleadings filed and evidence adduced by the parties. It is admitted by the workman that no appointment letter was issued to him by the management. No doubt, it is denied by the management that payment was made good by the contractor, but he documentary evidence filed by the management prove this contention that payment to the workman was made good by the contractor and not by the

management of Food Corporation of India. Hon'ble the Supreme Court in 2008 LLR 801, GM ONGC, Shilchar Vs. ONGC Contractual Workers Union, has laid down the criteria to establish the direct employee-employer relationship between the workmen and the management of any organization. If we apply the ratio of GM, ONGC Shilchar's case (supra), the workman has proved the following facts to establish the employee-employer relationship:—

- (1) That there existed a relationship of master and servant,
- (2) That there was no contractor appointed by the management of Food Corporation of India,
- (3) The management of Food Corporation of India used to supervise the alleged work assigned to individual workers,
- (4) That the management of Food Corporation of India took disciplinary action and called for explanations from the workers,
- (5) That the workers were paid wages by the management of Food Corporation of India directly and not through the contractor,
- (6) At the cost of repetition, the wages were paid directly to the workers by the management of Food corporation of India and the acquaintance role were prepared by the management of Food Corporation of India to make the payment to the workers.

If above mentioned ratio of GM, ONGC Shilchar case (supra) is applied in all the references, it is clear that workman has failed to prove that he was appointed by the management of Food Corporation of India. There is no iota of evidence on record to prove that he was directly under the administrative control of the management of Food Corporation of India. The workman has filed certain copies of peon book which bears the signature of the workman on particular column but in my view it will not be sufficient to prove the administrative control of the management over the workman. On the payment of wages the management of Food Corporation of India has filed the documentary evidence which proved that consolidate amount on the basis of number of days worked by specific number of security persons were given to the contractor, and contractor on the other hand, used to pay the wages to the workman. The management has filed all the relevant documents regarding the payment of wages by the contractor to the workman and providing the services of workman to the management on outsourcing agency. This fact that services of the workman were provided with to the management of Food Corporation of India through the Associates and Detectives on outsourcing, the supervisor of security agency Shri Surender Kumar filed his affidavit. He has specifically stated on oath that services of Shri Pankaj Goyal were provided with to the Food Corporation of India through Associates and Detective agency and he

was not appointed by the Food Corporation of India. This fact is further corroborated and proved by the act of the workman. The workman made Shri Surender Kumar as respondent no.4 in his claim petition showing him as contract, whereas, in claim petition he denied that his services were provided with to the management through contractor. It is also not the contention of the workman that his services were provided will through the contractor and the contract if any, is shame and camouflage. Thus, in my view of the law laid down by Hon ble the Apex Court in Steel Authority of India Limited and others Vs. National Union Water Workers and others and Food Corporation of India Vs. Presiding Officer, Central Government Industrial Tribunal-cum-Labour Court-I, Chandigarh (High Court of Punjab & Haryana), workman cannot challenge the contract to be shame or camouflage because he has not pleaded in his pleadings or affidavit that he was appointed through the contractor and the contract was shame and camouflage. Thus, for want of pleading and evidence, I am not considering this issue open whether the contract was shame and camouflage.

On the basis of the above discussion, I am of the view that management has proved beyond shadow of doubt that workman was not appointed by the management. His services were provided with to the management through a contractor and there has been no master-servant relationship between the two. The administrative control over the workman was that of the contractor and payment of wages were also made good by the contractor and not by Food Corporation of India. In such situation no questions for terminating the services of the workman by Food Corporation of India arise. The workman is not entitled for any relief. Accordingly the reference is answered as such. Let Central Government be approached for publication of award, and thereafter, file be consigned to record room.

G. K. SHARMA, Presiding Officer

नई दिल्ली, 5 अप्रैल, 2010

का. आ. 1143.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पंजाब नेशनल बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/ श्रम न्यायालय-1, दिल्ली के पंचाट (संदर्भ संख्या 18/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-4-2010 को प्राप्त हुआ था।

[सं. एल-12012/214/2003-आई आर(बी-II)]

यू. एस. पाण्डेय, डेस्क अधिकारी

New Delhi, the 5th April, 2010

S. O. 1143.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 18/2004) of the Central Government Industrial Tribunal/Labour

Court-I Delhi now as shown in the Annexure in the Industrial Dispute between the employees in relation to the management of Punjab National Bank, and their workmen, which was received by the Central Government on 1-04-2010.

[No. L-12012/214/2003-IR(B-II)]

U. S. PANDEY, Desk Officer

**BERORE DR. R. K. YADAV, PRESIDING,
OFFICER, CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL NO. 1, KARKARDOOMA COURTS
COMPLEX, DELHI**

I. D. No.18/2004

Jitender Singh@ Jitender Kumar,
C/o Sh. J. N. Kapur,
33-34, Bank Enclave, Ring Road,
Rajori Garden, New Delhi.

... Workman

Versus

The Regional Manager,
Punjab National Bank,
Rajindera Place,
New Delhi.

... Management

AWARD

Shri Malkhan Singh, permanent part time sweeper working at Krishna Nagar Branch of Punjab National Bank, fell ill. On 7-3-99 Shri Jitender Singh was engaged as a stop gap arrangement. On 16-1-2000 Shri Malkhan Singh expired. The bank was under an obligation to fill that vacancy in pursuance of settlement dated 7-5-1984. Krishna Nagar Branch of the bank merged with Lal Quarter Branch of the Bank. As such permanent part time sweeper working at Lal Quarter Branch of the bank filled in the vacancy created due to death of Shri Malkhan Singh. Services of Shri Jitender Singh @ Jitender Kumar were disengaged. He raised a dispute before the Conciliation Officer. Since conciliation proceedings failed, the appropriate Government referred the dispute to this Tribunal for adjudication, vide order No.L-12012/214/2003-IR(B-II), New Delhi 11-3-04, with the following terms : —

“Whether the action of the management of Punjab National Bank, New Delhi in terminating the services of Jitender Singh@ JitenderKumar is just, fair and legal? If not, what relief the workman is entitled and from what date?”

2. Claim statement was filed by the workman pleading that he was engaged against a leave vacancy in Krishna Nagar Branch of the bank on 7-3-99, since Shri Malkhan Singh, a permanent part time employee was on leave. Shri Malkhan Singh expired on 16-1-2000. Consequently he was appointed as a full time sweeper against that vacancy. All of a sudden his services were disengaged by oral orders on 22-3-2003. Neither notice nor pay in lieu thereof was

given to him. No retrenchment compensation was paid. He worked for three years, two months and seven days. He was not made permanent and the management adopted unfair labour practice in that regard. Action of the management in terminating his services amounts to retrenchment. He seeks reinstatement of his services with continuity and full back wages.

3. The management demurred the claim of the workman pleading that he was engaged as a stop gap arrangement for a specific period, when Malkhan Singh went on long leave due to his sickness. Malkhan Singh expired on 16-1-2000 and his vacancy was to be filled in pursuance of settlement dated 7-5-84. On merger of Krishna Nagar branch with Lal Quarter Branch of the bank, the vacancy was filled by permanent part time sweeper, working in Lal Quarter Branch of the bank. Resultantly service of Jitender Singh @ Jitender Kumar were disengaged. Being a casual employee, he had not acquired status of an award staff. His services were for a specific period and his disengagement does not amount to retrenchment. He is not entitled for notice or pay in lieu thereof, as well as retrenchment compensation. His claim is liable to be dismissed.

4. Shri Ashwani Kumar Sharma was examined on behalf of the management. No evidence was adduced by the workman.

5. Arguments were heard at the bar. Shri J. N. Kapur, authorised representative, advanced arguments on behalf of the workman. Shri Ashwani Kumar Sharma, Deputy Manager, advanced arguments on behalf of the management. I have given my careful consideration to the arguments advanced at the bar and cautiously perused the record. My findings on issues involved in the controversy are as follows :

6. Shri Ashwani Kumar Sharma swears in his affidavit that Jitender Singh was never appointed by the bank. There was no relationship of employer and employee between the bank and Jitender Singh. However he concedes that Jitender Singh worked as a temporary part time sweeper as a stop gap arrangement. He was not covered in the category of award staff. During the course of his cross examination he concedes that Malkhan Singh expired on 16-1-2000. From that date till 22-3-03, Jitender Singh was paid at initial of the scale of pay. He concedes that no specific order was passed detailing therein that the claimant was appointed for a specific period. He denied that after the death of Shri Malkhan Singh, Jitender Singh was working on permanent basis.

7. The relationship of employer and employee is constituted by a contract, express or implied between employer and employee. A contract of service is one in which a person undertakes to serve another and to obey his reasonable orders within the scope of the duty

undertaken. A contract of employment may be inferred from the conduct which goes to show that such a contract was intended although never expressed and when there has, in fact, been employment of the kind usually performed by the employees. Any such inference, however, is open to rebuttal as by showing that the relation between the parties concerned was on a charitable footing or the parties were relations or partners or were directors of a limited company which employed no staff. While the employee, at the time, when his services were engaged, need not have known the identity of employer, there must have been some act or contract by which the parties recognized one another as master or servant.

8. As admitted by Shri Ashwani Kumar Sharma, Jitender Singh @ Jitender Kumar was working as part time sweeper with the branch from 16-1-2000 till 22-3-2003. He was paid his wages at initial of the scale of a permanent sweeper. No orders were passed that he was appointed for a specific period. It merge over the record that Jitender Singh @ Jitender Kumar was employed by the management against a post, which had fallen vacant on the death of Shri Malkhan Singh on 16-1-2000. Since he was not appointed on contract basis for specified period, it does not lie in the mouth of the management to contend that he has not acquired the status of an employee. Consequently relationship of employer and employee between the management bank and Jitender Singh @ Jitender Kumar emerged over the record.

9. Jitender Singh served the management bank from 16-1-2000 till 22-3-2003 against a post which had fallen vacant on the death of Malkhan Singh. It nowhere emerge out of testimony of Shri Sharma that Jitender Singh was employed for a specific period. Therefore, termination of services of Shri Jitender Singh @ Jitender Kumar on 22-3-2003 was not on account of non-renewal of his contract of employment. When termination of services of an employee falls within the mischief of clause (oo) of Section 2 of the Industrial Disputes Act, 1947 (in short the Act) it attracts the definition of "retrenchment", enacted by that clause. It is not case of the management that Jitender Singh @ Jitender Kumar had sought voluntary retirement or he stood retired on reaching the age of superannuation. No facts are projected that his services were dispensed with on the ground of continued ill-health. Only evidence that has been brought over the record is that his services were dispensed with when a regular incumbent came there to fill in the vacancy. Therefore, it is evident that services of Shri Jitender Singh @ Jitender Kumar were not dispensed with on account of punishment inflicted by way of disciplinary action. Dispensation of his service does fall within the ambit of "retrenchment" within the meaning of clause (oo) of Section 2 of the Act.

10. Workman projects that his services were dispensed with abruptly on 22-3-2003. Management nowhere

presents that notice or pay in lieu thereof was given to workman while terminating his services. Retrenchment compensation was not paid to him. The management was under an obligation to pay him compensation for retrenchment at the time of retrenchment. Payment of retrenchment compensation is a condition precedent to a valid order of retrenchment. Precedents in Bombay Union of Journalists case [1964 (1) LLJ 351], Adaishwar Lal (1970 Lab.I.C.936) and B.M.Gupta [1979 (1) LLJ 168] announce that subsequent payment of compensation cannot validate an invalid order of retrenchment. As retrenchment compensation was not paid to Shri Jitender Singh @ Jitender Kumar, consequently action of the management falls within the mischief of Section 25-F of the Act.

11. Services of the workman were retrenched without payment of notice pay, and retrenchment compensation. It is well settled that in a case of wrongful retrenchment, dismissal or discharge, the normal rule is to award rein statement. But where a case falls in any of the exception to general rule, the industrial adjudicator has discretion to award reasonable and adequate compensation, in lieu of re-instatement. Section 11A of the Act vests the industrial adjudicator with discretionary jurisdiction to give "such other relief to the workman" where for some valid reasons it considers that reinstatement with or without conditions will not be fair or proper.

12. As deposed by Sharma, the workman joined services of the management on 16-1-2000. He served the management till 21-3-03. His appointment was not in consonance with recruitment rules. In Uma Devi [2006(4) SCC 1] the Apex Court considered the proposition as to whether the persons who got employment, without following a regular procedure or even from the back door or on daily wages can be ordered to be made permanent in their posts, to prevent regular recruitment to the posts concerned. Catena of decisions over the subject were considered and the court declined the submissions of the workmen to be made permanent on the post which were held by them in temporary or adhoc capacity for a fairly long spell. The Court ruled thus :

"With respect, why should the State be allowed to depart from the normal rule and indulge in temporary employment in permanent posts? This Court, in our view, is bound to insist on the State making regular and proper recruitments, and is bound not to encourage or shut its eyes to the persistent transgression of the rules of regular recruitment. The direction to make permanent - the distinction between regularization and making permanent, was not emphasized here-can only encourage the State, the modal employer, to flout its own rules and would confer undue benefits on a few at the cost of many waiting to compete. With respect the directions made in Piara Singh [1992(4) SCC 118] is to some extent

inconsistent with the conclusion in para 45 of the said judgement therein. With great respect, it appears to us that the last of the directions clearly runs counter to the constitutional scheme of employment recognized in the earlier part of the decision. Really, it cannot be said that this decision has laid down the law that all ad-hoc, temporary or casual employees engaged without following a regular recruitment procedure should be made permanent."

13. Taking note of some of recent decisions, the Apex Court held that the State does not enjoy a power to make appointments in terms of Article 162 of the Constitution. The Court quoted its decision in Girish Jyanti Lal Vaghela [2006 (2) SCC 482] with approval, wherein it was ruled thus

"The appointment to any post under the State can only be made after a proper advertisement has been made inviting applications from eligible candidates and holding of a selection by a body of experts or a specially constituted committee whose members are fair and impartial through a written examination or interview or some other rational criteria for judging the inter se merit of candidates who have applied in response to the advertisement made. A regular appointment to the post under the State or Union cannot be made without issuing advertisement in the prescribed manner which may in some cases include inviting applications from the employment exchange, where eligible candidates get their names registered. Any regular appointment made on a post under the State or Union without issuing advertisement inviting applications from eligible candidates and without holding a proper selection where all eligible candidates get a fair chance to compete would violate the guarantee enshrined under Article 16 of the Constitution."

14. In P. Chandra Shekhara Rao and Others (2006 7 SCC 488) the Apex Court referred Uma Devi's Case (supra) with approval. It also relied the decision in a Uma Rani (2004 7 SCC 112) and ruled that no regularization is permissible in exercise of statutory powers conferred in Article 162 of the Constitution, if the appointments have been made in contravention of the statutory rules. In Somveer Singh (2006 5 SCC 493) the Apex Court ruled that appointment made without following due procedure cannot be regularized. In view of law laid above services of Shri Jitender Singh cannot be ordered to be reinstated, since it would amount to a back door entry.

15. When services of Shri Jitender Singh cannot be ordered to be reinstated, he is entitled to compensation for illegal retrenchment of his services. What compensation is to be awarded? No definite yardstick for measuring quantum of compensation is available. In S. S. Shetty [1957 (11) LLJ 696] the Apex Court indicated some relevant factors which an adjudicator has to take into account in computing

compensation in lieu of reinstatement, in the following words:

"The industrial Tribunal would have to take into account the terms and conditions of employment, the tenure of service, the possibility of termination of the employment at the instance of either party, the possibility of retrenchment by the employer or resignation or retirement by the workman and even of the employer himself ceasing to exist or of the workman being awarded various benefits including reinstatement under the terms of future awards by Industrial Tribunal in the event of industrial disputes arising between the parties in future. In computing the money value of the benefits of reinstatement, the industrial adjudicator would also have to take into account the present value of what his salary, benefits etc. would be till he attained the age of superannuation and the value of such benefits would have to be computed as from the date when such reinstatement was ordered under the terms of the award.

Having regard to the considerations detailed above, it is impossible to compute the money value of this benefit of reinstatement awarded to the appellant with mathematical exactitude and the best that any tribunal or court would do under the circumstances would be to make as correct an estimate as is possible bearing, of course in mind all the relevant factors pro and con".

16. A Divisional Bench of the Patna High Court in *B. Choudhary Vs. Presiding Officer, Labour Court, Jamshedpur* (1983) Lab.I.1755 (1758) deduced certain guidelines which have to be borne in mind in determining the quantum of compensation viz. (i) the back wages receivable; (ii) compensation for deprivation of the job with future prospect and obtainability of alternative employment; (iii) employee's age; (iv) length of service in the establishment; (v) capacity of the employer to pay and the nature of the employer's business; (vi) gainful employment in mitigation of damages; and (viii) circumstances leading to the disengagement and the past conduct. These factors are only illustrative and not exhaustive. In addition to the amount of compensation, it is also within the jurisdiction of the Tribunal to award interest on the amount determined as compensation. Furthermore, the rate of such interest is also in the discretion of the Tribunal. Reference can be made to *Tabesh Process, Shivakashi* (1989 Lab. I. C.1887).

17. In *Assam Oil Co. Ltd.* [1960 (1) LLJ 587] the Apex Court took into account countervailing facts that the employer had paid certain sums to the workmen and her own earning in the alternative employment and ordered that "it would be fair and just to direct the appellant to pay a substantial sum as compensation to her". In *Utkal Machinery Ltd.* [1966 (1) LLJ 398] the amount of

compensation equivalent to two year salary of the employee awarded by the Industrial Tribunal was reduced by the Supreme Court to an amount equivalent to one year salary of the employee in view of the fact that she had been in service with the employer only for 5 months and also took into consideration the unusual manner of her appointment at the instance of the Chief Minister of the State. In *A. K. Roy* [1970 (I) LLJ 228] compensation equivalent to two years salary last drawn by the workmen was held to be fair and proper to meet the ends of justice. In *Anil Kumar Chakaraborty* [1962 (II) LLJ 483] the Court converted the award of reinstatement into compensation of a sum of Rs. 50000 as just and fair compensation in full satisfaction of all his claims for wrongful dismissal from service. In *O. P. Bhandari* [1986 (II) LLJ 509] the Apex Court observed that it was a fit case for grant of compensation in view of reinstatement. The Court awarded compensation equivalent to 3.33 years salary as reasonable. In *M. K. Aggarwal* [1988 Lab.I.C.380], the Apex Court though confirmed the order of reinstatement yet restricted the back salary to 50% of what would otherwise be payable to the employee. In *Yashveer Singh* (1993 Lab.I.C.44) the court directed payment of Rs. 75000 in view of reinstatement with back wages. In *Naval Kishore* [1984 (II) LLJ 473] the Apex Court observed that in view of the special circumstances of the case adequate compensation would be in the interest of the appellant. A sum of Rs. 2 lac was awarded as compensation in lieu of reinstatement. In *Sant Raj* [1985 (II) LLJ 19] a sum of Rs. 2 lac was awarded as compensation in lieu of reinstatement. In *Chandu Lal* [1985 Lab.I.C.1225] a compensation of Rs. 2 lac by way of back wages in lieu of reinstatement was awarded. In *Ras Bihari* (1988 Lab. I.C. 107) a compensation of Rs. 65000 was granted in lieu of reinstatement, since the employee was gainfully employed elsewhere. In *V. V. Rao* (1991 Lab. I. C. 1650) a compensation of Rs. 2.50 lac was awarded in lieu of reinstatement.

18. *Shri Jitender Singh @ Jitender Kumar* worked with the bank for about 3 years and two months. His engagement was in violation of rules. Vacancy was filled by a regular employee working at Lal Quarter Branch of the bank. Even otherwise, the bank was under an obligation to fill the vacancy by way of recruitment, in accordance with recruitment rules or procedure. The claimant was not having a right to continue on the post against a person, recruited in accordance with the rules or procedure. On consideration of these factors, besides others, I am of the view that a compensation equivalent to six months pay, as in March, 2003 would meet the ends of justice, in lieu of reinstatement in service. Above compensation would be paid by the management, within one month from the date of operation of the award. An award is, accordingly, passed. It be sent to the appropriate Government for publication.

Dated : 12-2-2010 DR. R. K. YADAV, Presiding Officer

नई दिल्ली, 5 अप्रैल, 2010

का.अ. 1144.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) के धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ बड़ौदा के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय-1, दिल्ली के पंचाट (संदर्भ संख्या 32/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 05-4-2010 को प्राप्त हुआ था।

[सं. एल-12011/143/2005-आई आर (बी-11)]
यू. एस. पाण्डेय, डेस्क अधिकारी
New Delhi, the 5th April, 2010

S.O. 1144.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 32/2005) of the Central Government Industrial Tribunal/Labour Court-I, Delhi now as shown in the Annexure in the Industrial Dispute between the employees in relation to the management of Bank of Baroda and their workmen, which was received by the Central Government on 05-04-2010.

[No. L-12011/143/2005-IR (B-II)]

U. S. PANDEY, Desk Officer

ANNEXURE

BEFORE DR. R. K. YADAV, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL NO. 1, KARKARDOOMA COURTS
COMPLEX, DELHI

I. D. NO. 32/2005

The General Secretary,
Bank of Baroda Employees Union,
C/o BOB, 4824/24, Ansari Road, Daryaganj,
New Delhi-110002 ...Workman

Versus

The Dy. General Manager,
Bank of Baroda,
DMR-I, (Northern Zone) 12th floor,
BOB Building, 16, Sansad Marg,
New Delhi-110001 ...Management

AWARD

A demonstration was held by Bank of Baroda Employees Union on 29-8-2001 at 8th floor, Bank of Baroda Building, Parliament Street, New Delhi. Zonal Office of the Bank of Baroda was located at the said premises. The demonstration was joined by the claimant, who was Assistant Treasurer of the Union at that time. He raised abusive, derogatory, and personalized slogans against his higher authorities. He was charge sheeted for the misconduct under clause 19.5 (c), (j) (i) of Bipartite Settlement dated 1-1-1966. An enquiry was held. The

Enquiry Officer submitted his report detailing there are no charges stand proved against the claimant. The Disciplinary Authority awarded punishment of reduction in grade by one stage for one year, without cumulative effect. Appeal preferred by the claimant was dismissed. An appeal in the dispute was raised by the union before the Enquiry Officer. Since conciliation proceedings failed, appeal Government referred the dispute to this Tribunal for adjudication, vide order No L-12011/143/2005-IR (B-II), New Delhi, dated 11-11-2005, with the following order:

"Whether the action of the D.G.M., DMR-I, Baroda, New Delhi in reducing the pay of Shri Chand Kotnala, Peon by one stage for one year is just, fair and legal? If not, to what relief the claimant is entitled to?"

2. Claim statement was filed by the Bank of Baroda Employees Union (herein after referred to as the union), pleading therein that the claimant is employed as sub-staff at Darya Ganj, New Delhi branch of Bank of Baroda. He is a member of the claimant Union and holding post of Assistant Treasurer. The claimant is registered with Registrar of Trade Union, Delhi. He gave a call for holding a demonstration on 29-8-2001 at 8th floor, Zonal Office, Bank of Baroda Building, Parliament Street, New Delhi, for highlighting their genuine demands. The said demonstrations were joined by the claimant alongwith others. He raised slogans to highlight the demand of the claimant union. It is denied that the slogans were abusive derogatory and personalized against the higher authority. A claim has been made that Shri Kotnala had exercised his right of organizing, to join or assistant trade union or the purpose of collective bargaining. He has not committed any misconduct. He has been victimized by the management by serving charge sheet dated 2-1-2002. He denied the allegations levelled against him in charge sheet. An enquiry was held, which was in violation of the principles of natural justice. There was no evidence before the Enquiry Officer. The Disciplinary Authority awarded punishment vide order dated 26-7-2003. Though the charges levelled against him constitute a single misconduct, yet different punishments were awarded. Appeal preferred by him was heard by the authority who was Disciplinary Authority at the time of service of charge sheet. He dismissed the appeal in mechanical manner. It has been claimed that the action of the management in awarding punishment is uncalled for. A prayer has been made that order imposing punishment may be set aside, salary of Shri Kotnala may be restored and arrears may be released in favour of Shri Kotnala.

3. Contest was given to the claim statement by the management pleading that act of organizing a demonstration on 8th floor, Bank of Baroda Building, Parliament Street, New Delhi, smacks that the claimant union had exercised its rights. A servant does not have any right to hold a demonstration inside the premises of its employer. It is

further been pleaded that factum of Shri Kotnala joining the demonstration and raising slogans is an admitted fact. Assertion of the claimant union that slogans raised were neither derogatory nor abusive and personalized against the officers of the management, is wrong. Shri Dinesh Chand Kotnala raised abusive, derogatory and personalized slogans against his officers. While raising slogans, he made visible and violent gestures against his officers, with a view to terrorize them. He was charge sheeted for the misconduct committed by him. The Enquiry Officer gave him proper opportunity to defend himself. When charges stood proved, the Enquiry Officer submitted his report to the Disciplinary Authority. The Disciplinary Authority awarded nominal punishment to him, though misconduct committed by him were very grave. Appeal preferred by him was heard and disposed of by the General Manager (M.Z.) Bank of Baroda, who was not the authority who awarded punishment. Claim put forward by the claimant union is based on surmises and liable to be dismissed.

4. Shri C.S.Dahia was examined on behalf of the claimant union. Shri K. C. Hans, Senior Manager (HR), was examined on behalf of the management bank. No other witness was examined by either of the parties.

5. Case was listed for arguments on 11-9-2009. None came forward on behalf of the claimant union to advanced arguments. None was there on behalf of the Management Bank too to raise its submissions. Consequently the matter was reserved for an award.

6. Shri Dahia has testified that the claimant union was not having good relations with bank authorities. Bank authorities were taking every steps to harass and victimize the members of the claimant union. Shri Dinesh Chand Kotnala is a member of the claimant union from last 25 years. He was Assistant Treasurer of the union from 1996 till 2005. In the year 2000 and 2002 he was posted at Asaf Ali Road branch of the bank. With a view to dissuade him from taking active part in union activities and to harass and victimize him, charge sheet Ex. MW 1 W1 was served upon him. The claimant union was having agitation programme, since their various demands were pending consideration with Bank authorities. on 29-1-2001 the claimant union took up a demonstration as a part of their collective bargain to get their demands accepted. Demonstration was held outside the Zonal Office of the bank and not inside the bank premises. Demonstration was well organized, peaceful and it highlighted demands of the claimant union. A lot of people were present in that demonstration. They shouted slogans as decided by the union. Dinesh Chand Kotnala was one amongst those, who were shouting slogans. He went on to depose that Kotnala participated in the enquiry proceedings. The Enquiry Officer had not allowed Shri Kotnala to examine

his witnesses, simply on the ground that their names were not mentioned in the list of the witnesses. Union made representation against the order of the Enquiry Officer to the Deputy General Manager and Executive Director of the Bank vide communications Ex.WW 1/1, Ex.WW1/2, Ex. WW 1/3 and Ex. WW 1/4 respectively. The authority, who ordered to initiate departmental enquiry and served charge sheet on Kotnala, was the very person who heard appeal against the order of the Disciplinary Authority. During the course of his cross examination he concedes that the claimant union took a decision to demonstrate in front of the office of the Zonal Manager, located on 8th floor of Bank of Baroda building, 16 Parliament Street, New Delhi, which demonstration took place on 29th of August, 2001. He admits that in that demonstration slogans were shouted.

7. Shri K.C.Hans had testified that Shri D.C.Kotnala took part in demonstration held on 29-8-2001. During that demonstration he behaved unruly and raised slogans against General Manager of the Bank, in bank premises itself. He incited others, who were party to the demonstration, to insult the General Manager and speak against the bank authorities. On those charges punishment of reducing pay of Kotnala by one stage for one year in the scale of pay was awarded. In respect of two other charges warnings were administered to him. During the course of his cross examination, he projects that Dinesh Chand Kotnala was an active member of the claimant union and not office bearer. A list of witnesses to be examined in defence was given, out of those some of the witnesses were allowed to be examined. Disciplinary Authority and the Appellate Authority were different and distinct persons. Order passed by the Disciplinary Authority and the Appellate Authority are Ex.MW1/W2 and Ex. MW 1/W3 respectively.

8. When evidence, adduced by the parties, came to be appreciated, it came to light that Shri C.S.Dahia had tested that the Enquiry Officer had not allowed Shri Kotnala to examine witnesses in his defence. He unfolds that the Enquiry Officer simply refused to examine the witnesses, whose names were mentioned in the list of witnesses. Against the said order the union made representations to the Deputy General Manager, General Manager and Executive Director of the Bank, vide communications Ex.WW1/1, Ex.WW1/2, Ex.WW1/3 and Ex.WW1/4 respectively. These representations were not disputed by and on behalf of the management. When representation Ex.WW1/1 is considered it came to light that the claimant union made a representation to the Deputy General Manager detailing therein that after conclusion of the evidence of the management, the Enquiry Officer ordered for submission of list of witness and documents by the defence. A list of witness was furnished and after going

through that list Enquiry Officer took a stand not to allow examination of those witnesses on the ground that the list of witnesses was very large and it was not feasible to allow examination of all of them. Enquiry Officer closed the defence evidence, without allowing an opportunity to examine the witnesses in defence. Representation Ex. WW 1/2 was addressed to Deputy General Manager, wherein it was projected that not even a single witness was allowed to be examined on behalf of the delinquent employee. Ex. WW1/3 is a representation sent to the General Manager, wherein same facts were narrated. Ex. WW 1/4 is a representation made to Executive Director of the bank claiming therein that the delinquent employee was not allowed to examine any witnesses in his defence. Therefore, out of these representations the claimant union had brought it over the record that the Enquiry Officer had not accorded any opportunity to Shri Dinesh Chand Kotnala to examine witnesses in his defence. These facts remained unrebutted. When delinquent employee was not allowed to examine any witness in his defence, including himself, it can not be said that the enquiry was fair.

9. Enquiry Report has not been placed before this Tribunal for its perusal. For adjudicating validity of the enquiry proceedings, the Tribunal is under an obligation to assess that there was no basic error in the approach adopted by the Enquiry Officer and his report was not perverse. The importance attached to the enquiry report and the conclusion drawn by the Enquiry Officer postulate that the report would highlight reasons for such conclusion, otherwise it is likely to impair substantial value of the report and the enquiry. The enquiry will be exposed to criticism that it was an empty formality, if it does not detail the merits of the case presented before the Enquiry Officer. Consequently basic requirement of natural justice is that an Enquiry Officer must consider the evidence and record his conclusions. Here in the case the Enquiry Report has not been placed before this Tribunal to assess whether principles of natural justice were followed or not. As stated above, the claimant union projects that the Enquiry Officer had not allowed the delinquent employee to examine even a single witness in his defence. What were the reasons for such a refusal, on the part of the Enquiry Officer, cannot be taken note of, since the report has not been placed before the Tribunal. Whether there was any evidence available to record a finding against the delinquent workman, is a proposition which cannot be answered, without going through the report of the Enquiry Officer. Without appreciation of the report of the Enquiry Officer, this Tribunal cannot opine that the report was not perverse.

10. It is necessary that the explanation offered by the workman to the charge sheet should be duly considered by the Enquiry Officer. The Enquiry Officer should allow the delinquent employee to examine himself and others in

his defence. In case he does not allow delinquent employee to examine himself and others in his defence, his decision should be based on reasons. To record favourable appreciation in favour of the witnesses of the management, he should give sufficient reasons. When Enquiry Officer mentions twisted facts out of the statements made by the witnesses before him in such a situation the enquiry stands vitiated. Consequently to assess whether the Enquiry Officer had recorded sound reasons to reach a finding against the delinquent employee, it is expedient for this Tribunal to peruse the enquiry report. Without going through the enquiry report, the Tribunal is unable to record a conclusion that the Enquiry report was not perverse. Absence of enquiry report for consideration by this tribunal constrains the Tribunal not to record a finding to the effect that the report was based on evidence. Reference can be made to a precedent laid by the Apex Court in *Sumunuggur Jute Factory Company Limited* (1964 (1) LLJ 634). Precedent in *Khardah & Company* (1963 (2) LLJ 452) can also be referred to.

11. When this Tribunal cannot form its opinion about the perversity of the enquiry report, in such a situation the said report cannot be upheld. The Tribunal had no occasion to comment that opinion arrived at by the Enquiry Officer was not coloured by any irrelevant consideration or matters of prejudice. It cannot be said that if there were any circumstances which were required to be explained by the delinquent employee, an opportunity was given to him for so doing. The Tribunal has to assess as to whether findings of the Enquiry Officer were not based on suspicion, conjecture or surmises. The Tribunal is also under an obligation to assess that the findings of the Enquiry Officer were based on evidence and if not found so, it has a duty to set it aside. Therefore, this Tribunal cannot come to a conclusion that the Enquiry Officer had followed principles of natural justice and reached a decision in favour of the management, which decisions was based on evidence. Report of the Enquiry Officer cannot affirmed for the reasons, referred above.

12. When report of the Enquiry Officer is discarded, the order of the Disciplinary Authority as well as that of the Appellate Authority also go to dooms. Neither in its written statement nor during the course of proceedings any request was made by the management to allow it to lead evidence to prove misconduct of the workman, if the enquiry is found to be defective. Question for consideration comes as to whether an obligation is fastened to the Tribunal to call upon the employer suo moto to prove misconduct of the workman. Such proposition was raised before the Apex Court in *Shambhu Nath Goyal* (1983 (11) LLJ 145). The Apex Court ruled that if the enquiry is found defective, the Tribunal will have to give the employer an opportunity to produce additional evidence and also give

a similar opportunity to the employee to lead evidence contra, in case request to adduce evidence had been made by the management to the Tribunal during the course of the proceedings and before the trial comes to an end. The Court ordained that in the absence of pleadings in written statement to the effect that it wants to prove misconduct of the workman by adducing evidence or want of request during the pendency of the proceedings, no situation arises for the Tribunal to advise the employer to lead evidence for proof of misconduct of the workman. Reference can also be made to the decision of the Apex Court in *Lakshmidewamma* (2001 (2) LLJ 199). In view of the law laid by the Apex Court, the Tribunal is duty bound to accord opportunity to the management to lead evidence to prove misconduct of the workman. If such a request is made either in the pleadings or during the course of proceedings and not otherwise.

13. The enquiry conducted against the workman was found not be in consonance with the principles of natural justice. Therefore, the enquiry report and orders passed by the Disciplinary Authority as well as Appellate Authority are not est. The order of punishment awarded by the Disiplinary Authority and its confirmation by the Appellate Authority loses its efficacy. The management is under an obligation to restore the pay of Shri Kotnala to the very stage at which it would have been, in case no punishment would have been awarded to him. The management is, therefore, commanded to restore his wages to the stage manner as if no punishment was awarded to him. An award is, accordingly, passed. It be sent to the appropriate Government for publication.

Dr. R. K. YADAV, Presiding Officer

Dated : 19-03-2010

नई दिल्ली, 5 अप्रैल, 2010

का.आ. 1145.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार युको बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय-I, चंडीगढ़ के पंचाट (संदर्भ संख्या 84/97) को प्रकाशित करती है, जो केन्द्रीय सरकार को 01-04-2010 को प्राप्त हुआ था।

[सं. एल-12012/409/95-आई आर (बी-II)]

यू. एस. पाण्डेय, डेस्क अधिकारी

New Delhi, the 5th April, 2010

S.O. 1145.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the award (Ref. No. 84/97) of the Central Government Industrial Tribunal-cum-Labour Court-I, Chandigarh now as shown in the Annexure in the

Industrial Dispute between the employers in relation to the management of UCO Bank and their workmen, which was received by the Central Government on 01-04-2010

[No. L-12012/409/95-IR (B-II)]

U. S. PANDEY, Desk Officer

ANNEXURE

BEFORE SHRI GYANENDRA KUMAR SHARMA, PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM- LABOUR COURT-1, CHANDIGARH

Case I.D. No. 84/97

Shri Raj kumar C/o Shri Dutt Ram, Village Rai Majra, Nalwa,
Tehsil-Sahabad Markanda, Kurukshetra. ... Applicant

Versus

The Zonal Manager, UCO Bank SCO No. 1092-93, Sector-22-B, Chandigarh. ... Respondent

APPEARANCES

For the Workman : Shri K. K. Gupta

For the Management : Shri N. K. Zakhmi

AWARD

Passed on : 23-03-2010

Government of India vide notification no. L-120 12/409/95-IR (B-II), dated 3-1-97 by exercising its powers under Section 10 of the Industrial Disputes Act, (the Act in short) has referred the following industrial dispute for adjudication to this Tribunal :—

“Whether the action of the management of UCO Bank represented through Zonal Manager, UCO Bank, S.C O No. 1092-93, Sector-22-B, Chandigarh in terminating the services of Shri Raj Kumar S/o Shri Dutta Ram a daily rated peon-cum-chowkidar w.e.f. 1-7-95 is just and legal? If not, to what relief the workman is entitled to and from which date?”

After receiving this reference, parties were informed. Parties appeared and filed their respective pleadings. The case of the workman in nut shell is that he was appointed by the management of United Commercial Bank Branch Sector-22-B, Chandigarh w.e.f 1-1-90 as peon-cum-chowkidar on daily wages and he continued as such up to 1-7-95. During day hours he has worked in the branch office and during night he was directed to work as a chowkidar in bank hostel situated in House No. 1303-1304, Sector-44-B, Chandigarh. Initially he was paid the consolidated salary of Rs. 600 per month and w.e.f. 1-4-92 he was paid daily wages at the rate of Rs. 43 per day. He has continuously worked w.e.f. 1-1-92 to 1-7-95. His services were terminated without any notice or one month wages in lieu of notice and without payment of other lawful terminal dues. His

sumors and used to work, fresh hands were recruited, whereas the services were terminated against the provision of the Act. On the basis of the above contents of the workman has prayed for an order setting aside his termination order and for consequential relief for reinstatement of the services with consequential benefits.

The management of bank appeared and contested the claim of the petitioner by filing written statement. Preliminary objections were raised that workman was appointed for a specific purpose for construction of hostel of the bank. The construction of the project was over and the services of the workman were no more required and he was accordingly terminated from the services. It is admitted that he was appointed as daily waged worker but denied that he was appointed as peon-on-chowkidar. The management in its pleadings has mentioned certain case laws decided by the Apex Court to prove that a daily waged worker has right to post. The period which has been mentioned by the workman in his statement of claim has not been mentioned specifically by the management. The cumulative effect of the pleadings is that it is admitted that the workman was engaged as a daily waged worker and was paid wages at per daily rates prevailing in the bank at the time of his work.

Both the parties were given an opportunity for adducing evidence. The workman filed his affidavit and he was cross examined by learned counsel for the management on 19-9-03. Likewise, Mr. K.K. Kaushik has filed his affidavit in behalf of the management of the bank and he was cross examined by learned counsel for the workman.

When the petitioner filed the application demanding the records lying in the custody of the management of the bank regarding his attendance in the bank for calculating the number of working day and regarding the payment of wages, two notices were filed by the management. No cogent reasons for withholding the documents lying in its custody were given. The workman filed two documents which are marked as A & A 1. A 1 is the original pass book of saving bank no. 16013 of the workman, whereas, mark A is the copy of the letter written by the Zonal Manager to the General Manager regarding the permanent appointment of the workman Shri Raj Kumar. These two documents have not been denied by the management. It is not also denied the workman has completed 240 days of work in the preceding year from the date of his termination.

It is to be noted that workman has to prove that he was appointed to the bank as daily waged worker? He comes within the definition of the workman and he has completed 240 days of work in the preceding year from the date of his termination. The cumulative effect of the pleadings and the evidence of the parties is that appointment of the

workman as daily casually worker is admitted by the management which has been changed by the management. It is also admitted by the management that he was engaged through vouchers. It is also admitted by the management that workman was engaged for a specific purpose for construction of bank hostel and when construction of hostel was over, the services of the workman was no more required. This claim has been proved by the management. It is also admitted on record to prove that the bank hostel was under construction and marked with letter mark A itself prove that the workman was not appointed for specific purpose for construction of the hostel. As per the facts of the case, it has not been denied, but it is not necessary to prove for rendering his services in the bank. The Zonal Manager in the bank has confirmed that the General Manager has appointed him as

There is dispute between the management of the parties who have turned up before the court. The management is weak and its position is not as strong then the workman. In such an imbalance, it is the duty of the Tribunal to be sensitized towards that no advantage is taken by the management of his strong socio-economic position. The Constitution also requires that this Tribunal in all circumstances has to maintain equality before the law and equal protection of law. The strong social position and the similar attitude of the management reflected on the issue that bank employees and the documents lying in its custody regarding the records of workman and payment of wages to the workman. It is a Government organization and it is a public transaction in the bank and the payment of wages transaction whether it is for appointment of a daily worker or payment of wages to a daily worker through vouchers has to be maintained. It is admitted that payment of wages was made through vouchers but management fail to the pay of the vouchers lying in its custody. The reasons for not paying mentioned. This makes the inference that the inference shall be taken that the question of the Tribunal is what should be the nature of appointment. Considering all the facts and circumstances of the case and the advance of the workman, the management, the nature of the inference should be that it should be taken that the workman worked as daily wages to be paid to him. It is his statement of claim that he has completed 240 days of work in the preceding year from the date of his termination.

It is also admitted that the bank has not given notice in lieu of notice and law for criminal breach of contract workman before termination of his services. The law

termination of the workman void and illegal being against the provisions of the Act. The management has referred certain case laws in the pleadings, though against settled norms of pleadings, to prove that a daily waged worker has no right to post. The question before this Tribunal is not regarding the regularization of the services of the workman against any post. The question before this Tribunal is the protection of right to work. This protection has to be given by this Tribunal and by the management under the provisions of the Industrial Disputes Act. It is important to narrate that even the provisions of Industrial Disputes Act does not barred the termination of any daily waged worker but the termination is regulated. It is regulated in the way that if the services of a daily waged worker are no more required, it should be succeeded by one month notice or one month wages in lieu of notice and by payment of lawful terminal dues. If it is not done the termination of the workman shall be void and illegal being against the provisions of the Act. This issue i.e. protection of right to work (illegality of termination) has no nexus with the regularization of the services of the workman. These two issues are altogether different. The regularization of the workman can only be made by the management as per the rules applicable to the parties. The illegality of the termination has to be evaluated by this Tribunal under the provisions of the Industrial Disputes Act.

From the above discussion, it is clear that services of the workman were terminated in violation of the provisions of the Act and the termination was void and illegal.

Whenever the termination of any workman has been held to be void and illegal, there are two possible remedies available for redressing the grievances of the workman. The first remedy is the reinstatement of the workman on the same position from which he was terminated from the services and another remedy is a reasonable compensation. It has been the settled principle of service jurisprudence that priority should be given for reinstatement of the workman and in the special and exceptional circumstances he should be compensated by a reasonable amount of compensation. There has been also a change in the trend regarding the reinstatement of the services of a daily waged worker whose termination has been held to be void and illegal. Hon'ble the Apex Court in several judicial pronouncements has held that reinstatement should not be casual. If the Tribunal or any other Forum is ordering for reinstatement of the services of the workman it should be supported with cogent reasons. If sufficient reasons are there, the services of the workman should be ordered to be reinstatement otherwise his grievances should be redressed by payment of reasonable compensation.

While going through the entire materials on record, I am of the view that while passing any order on remedy to

be provided to the workman the conduct of parties should also be seen. The conduct of the management in this case has been strange. The management admitted that the workman was engaged as daily waged worker for a specific project and even does not hesitate to file the affidavit on the same lines. No records were placed before this Tribunal to prove that he was engaged for a particular purpose. It has only been contended by the management that it is the duty of the workman to prove that he has worked continuously for 240 days in the preceding year from the date of his termination and workman has failed to prove it. Yes, it is the duty of the workman to prove these facts but the way, manner and method the workman has adopted to prove this fact is different issue then the burden to prove this fact. The workman has opted a particular way of proving this fact by summoning the documents lying in the custody of the management. In my view, it was a lawful and reasonable method adopted by the workman for proving the fact. But the management deliberately withholds all the documents lying in its custody. Accordingly adverse inference has been taken against the bank. On one hand, the General Manager of the bank is appreciating the work and conduct of the workman and purposing for regularization of his services to the Zonal Manager on the other hand, before this Tribunal the bank has even refused that he has ever worked as chowkidar. The conduct of the management appreciating the work of the workman in letter marked A, and on the fact that he has continuously worked from 1992 to 1995 with the management of the bank, I am of the view that reinstatement of the workman on the same position, he was previously working and which is clear from the letter Marked A, is the appropriate remedy for redressal of the grievances of the workman. Accordingly, the management of UCO bank is directed to reinstate the services of the workman with full back wages within one month from the date of publication of this award. The reference is accordingly answered. Let Central Government be informed for publication of the award and thereafter, file be consigned to record room.

G. K. SHARMA, Presiding Officer

नई दिल्ली, 5 अप्रैल, 2010

का.आ. 1146.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार यूको बैंक के प्रबंधन के संबंध में निरदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय -1, चंडीगढ़ के पंचाट (संदर्भ संख्या 73/97) को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-4-2010 को प्राप्त हुआ था।

[सं. एल-12012/433/95-आईआर (बी-11)]

यू. एस. पाण्डेय, डेस्क अधिकारी

New Delhi, the 5th April, 2010

S.O. 1146.—In pursuance of Section 17 of the Industrial Disputes Act, 1947, the Central Government hereby publishes the award (Ref. No. 73/97) of the Central Government Industrial Tribunal/Labour Court-I, Chandigarh now as shown in the Annexure in the Industrial Dispute between the employees in relation to the management of UCO Bank and their workman, which was received by the Central Government on 1-4-2010.

[No. L-12012/433/97-IR (B-II)]

U. S. PANDEY, Desk Officer

ANNEXURE

**BEFORE SHRI GYANENDRA KUMAR SHARMA,
PRESIDING OFFICER CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL -CUM-LABOUR
COURT-I, CHANDIGARH**

Case I.D. No. 73/97

Shri Manmohan Singh C/o Shri Tek Chand Sharma, 25,
Sant Nagar, Civil Lines, Ludhiana. ...Applicant

Versus

The Divisional Manager, UCO Bank, Divisional Office,
Sector-17, Chandigarh. ...Respondent

APPEARANCES

For the Workman : Shri Tek Chand Sharma

For the Management : Shri N.K. Zakhmi

AWARD

Passed on:- 23-3-2010

The Government of India *vide* notification No. L-12012/433/95-IR (B-2), dated 30-12-96 by exercising its powers under Section 10 of the Industrial Disputes Act, (the Act in short) has referred the following industrial dispute for adjudication to this Tribunal :-

“Whether the action of the management of UCO Bank in terminating the services of Shri Manmohan w.e.f. 13-8-93 is legal and justified? If not, to what relief is the said workman entitled?”

After receiving the reference, parties were informed. Both of the parties appears and filed their respective pleadings. From the perusal of the pleadings of the parties it is clear that the main contention of the workman has been that enquiry officer has not afforded the proper opportunity of being heard and enquiry was conducted in violation of the principle of natural justice. In so many garlanding words in six pages pleadings the workman has contended the violation of right of hearing. He has stated that he has no concern with any manipulation made in

account no. 4500 and 4580 mentioned in the bank. The claim was made by his brother and not by him. The enquiry officer and disciplinary authority has perused the evidence properly and have given enquiry and the punishment respectively arbitrarily. It has been further contended by the workman that he was supposed to produce the documents in defence even before adducing evidence by the management of the bank. Sometime the enquiry officer has worked as Presenting Officer-against the rules mentioned in the bipartite settlement.

The management of respondent bank appeared and contested the claim of the workman by filing written statement. It has been contended by the management of respondent bank in written statement that proper opportunity of being heard was afforded to the workman at every stage of departmental proceedings during enquiry and during disciplinary proceedings. Preliminary objections has also taken by the management that the petitioner is not workman and has no right to raise the industrial dispute. It was further more contended by the management of the bank that all possible opportunity of being heard was given to the workman and there has been no violation of any rules of principle of natural justice. Saving bank account No. 4500 was the joint account of the workman and brother Shri Amarjeet Singh. The workman himself has made claim and during enquiry above fact was well established by the management. Workman was, as per the contention of the management, rightly dismissed from the services of the bank.

Both of the parties were afforded the opportunity for adducing evidence. Shri Manmohan the workman filed his affidavit and he was cross examined on three occasions by learned counsel for the management. Likewise, Shri Satwant Singh retired officer of the bank filed his affidavit in support of the contentions raised by the management of respondent bank and he was cross-examined by learned counsel for the workman on 23-3-2009. Parties were heard at length and file was reserve for award long back. When I was preparing the file for award, this Tribunal received an application by registered post addressed to this Tribunal by the workman prayed for opportunity for additional evidence. For ends of justice this Tribunal disposed off the application and further opportunity for adducing additional evidence was afforded to the workman. No oral evidence was adduced by the workman. Some documents were filed by the management those are on record. These documents include the copy of the decree passed in appeal. The workman has also filed the copy of the judgment passed in Civil Appeal No. 80/98 Manmohan Singh Vs. UCO Bank. A statement was also given by the workman that he does not want to adduce any evidence oral and documentary except the documents which he has filed. Thereafter, file was once again listed for arguments and after affording the opportunity for arguments, the file

was reserve for award. It is unfortunate that this Tribunal is answering this reference after 13 years. Reasons may be many, the workman has been ultimate sufferer. The possibility for causing delay on the part of the workman cannot be denied at this stage but timely justice was denied. Whenever this Tribunal can do at this stage is to offer sincere regret for denying timely justice and answering this reference after 13 years.

The problem as alleged by both of the parties in nut shell is that workman was charged for fraudulently getting the amount of Rs. 18,032 by making fraudulent entries in the bank records. On perusal of the materials on record the main issues before this Tribunal for adjudication are as follows :—

- (1) Whether the petitioner is a workman as defined under the provisions of the Act?
- (2) Whether a proper, fair and reasonable enquiry was conducted against the workman by the management?
- (3) Whether there has been any violation of the principle of natural justice while adjudicating the enquiry and during disciplinary proceedings?
- (4) Whether the decision making of the enquiry officer and disciplinary authority respectively suffers with any perversity affecting their decision making?
- (5) To what relief, if any the workman is entitled.

As stated earlier, I have heard the parties at length along with the learned counsels and perused entire materials on record. I am answering all the issues one by one.

Issue No. 2 & 3 are related to each other, hence, both of the issues are answered simultaneously. On perusal of the materials on record, it is evidently clear that enquiry officer was appointed strictly as per the rules. Copy of the concerned bipartite settlement is on record and I do not find any irregularity and illegality in appointment of enquiry officer. The workman was cross-examined at length on fairness and reasonableness of enquiry. On perusal of the evidence of the workman it is evidently clear that all possible opportunity of being heard was afforded to him by the enquiry officer. He has admitted that copy of the charge sheet was provided with to him. He answered the charge sheet. It is the contention of the workman that enquiry officer also afforded the opportunity for adducing evidence in defence to him. There is no dispute that documents filed with and relied upon by the management were not provided to him. He has received the report of the

enquiry and has also received show-cause notice along with tentative proposed punishment. Opportunity of personal hearing was also afforded to him.

On perusal of the materials on record, it is also clear that opportunity for personal hearing was afforded to the workman by the disciplinary authority but workman failed to avail the opportunity. Thereafter, the disciplinary authority awarded the punishment to the workman. A plea was taken by the workman before the appellate authority that he was not afforded the opportunity for personal hearing. This plea of the workman was accepted by the appellate authority and the case was remanded back by the appellate authority after setting aside the punishment awarded to the workman for affording the opportunity of personal hearing afresh. The disciplinary authority again afforded to opportunity for personal hearing which was availed by the workman, and thereafter punishment was again awarded by the disciplinary authority.

Thus, from the above discussion, it is clear that all possible opportunity of being heard was afforded by the enquiry officer to the workman and there has been no violation of any rules of principle of natural justice while awarding the punishment by the disciplinary authority. Accordingly, issue no. 2&3 are disposed off.

On issue No. 1 Learned counsel for the management has cross examined the petitioner at length. Whether a person is a workman in the Central Government Industry is to be decided on the facts and circumstances of this case. The criteria to adjudicate this issue are the work carried on and functions discharged by the workman. If the employee is discharging the supervisory functions at the time of the charge sheet the employee will not be within the definition of the workman enumerated under the provisions of the Act. But if during the period in question, meaning thereby, at the time of issuing the charge sheet and commission of so called misconduct the workman was not discharging any supervisory functions the employee will fall within the definition of the workman. As stated earlier, learned counsel for the workman, cross-examined the workman on this issue in detail. Burden of prove of this issue lies on the management. Management fails to file even iota of evidence to prove this issue. On perusal of the entire materials on record, I am of the view of that no supervisory functions were discharged by the employee at the time so called misconduct was committed by him and he was charge sheeted. Accordingly, this Tribunal is of the view that Shri Manmohan Shigh was the workman for the purpose of provisions of this Act. Issue No. 1 is also disposed off accordingly.

All the rest issues are connected with each other and are therefore taken together for simultaneous adjudication. I have gone through the proceeding of enquiry,

enquiry report and other materials on record. The evidence recorded by the enquiry officer has also been perused by me. On perusal of the entire materials on record, I am of the view that workman has committed the misconduct for which he was charge sheeted. My decision is based on the following grounds :—

- (1) That account No. 4500 was a joint account of the workman and his brother Shri Amarjeet Singh. The claim of Rs. 18,032 was moved by the brother of workman Shri Amarjeet Singh and not by Shri Manmohan Singh. It is hereby made clear that all the records of the bank were burnt in fire and person who have financial relations and transaction with the bank were asked to supply materials so that they may be compensated. Shri Manmohan Singh and Shri Amarjeet Singh were having joint saving bank A/c in the bank. Shri Amarjeet Singh moved an application for claiming Rs. 18,032 which according to the bank was claimed fraudulently on the basis of the fabricated entries in pass book and concerned register. It was the important circumstance which has come up before this Tribunal that during the adjudication of claim application the Chairman and members of the claim committee asked the workman to join the proceedings of claim but he refused. The workman failed to show bonafide of his act for refusing to join the proceedings of claim.
- (2) From the perusal of the materials on record, it is also evident that some manipulation in records was made. Entries which were in saving Bank Account No. 4500 were shown in account no. 4800, whereas, on the day such entries were made account no. 4800 does not exist. From this circumstance, it is clear that someone fabricated the entries in the A/c No. 4500. Now the question arises who can fabricate such entries? As stated earlier, the workman is the brother of Shri Amarjeet who applied for the claim of Rs. 18,032/- In the ordinary course of nature it is highly probable for the workman to fabricate the entries.
- (3) From the perusal of the materials on record, it is also evidently clear that opportunity and occasion was also available to the workman to fabricate the entries in A/c no. 4500 and in relevant records concerning the account. The workman was very well posted in the same branch and was entrusted with the relevant work.

- (4) The brother of workman Shri Amarjeet Singh was cross-examined as defence witness. Who has protected the workman by saying that entries were made by another clerk Shri Satnam Singh. The bank has proved by the document and circumstantial evidence that workman has fabricated the entries. If defence witness Shri Amarjeet Singh alleged that entries were made by Shri Satnam Singh this act has to be proved by the workman. There is no iota of evidence on record except the statement of Amarjeet Singh to prove that disputed entries were made by Satnam Singh. Satnam Singh was alive and available for recording the evidence but the workman has not prayed for recording his evidence. It was open for him to prove this fact that Satnam Singh entered the disputed entries which the workman failed. Thus, there is no force in the contention of defence witness Shri Amarjeet Singh that entries were made by Satnam Singh.
- (5) The defence representative of the workman has raised one more issue that workman has in strained relation with his brother Amarjeet Singh. There has been a distribution of properties and both are not in talking terms. The defence representative has tried to prove that even brother of workman Shri Amarjeet Singh has tried to malign the position of the workman. I have gone through the statement of defence witness Shri Amarjeet Singh. He has not stated even a single line regarding his strained relations with the workman. On the other hand, he has tried in his evidence at his level best to protect his brother, the workman. Thus it is an after thought of the defence representative that workman and his brother Amarjeet Singh are in strained relations and brother of workman might have done the act to malign the position of the workman.
- (6) It has also been established that claim for compensation was moved by workman in his handwriting. It is also a strong circumstance to prove the alleged misconduct.

Thus, the enquiry officer has rightly held all the charges proved against the workman. The nature of committed misconduct is such that the punishment awarded by the disciplinary authority seems to be proportionate. There is no occasion for this Tribunal to interfere either in the decision making of the enquiry officer or the disciplinary authority. The workman was legally, after lawful enquiry, awarded the punishment of

termination from the services and he is not entitled for any relief. Let Central Government be approached for publication of award, and thereafter file be consigned to record room.

G. K. SHARMA, Presiding Officer

नई दिल्ली, 5 अप्रैल, 2010

का. आ. 1147.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पंजाब नेशनल बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/ श्रम न्यायालय-1, चंडीगढ़ के पंचाट (संदर्भ संख्या 137/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-4-2010 को प्राप्त हुआ था।

[सं. एल-12012/258/99-आईआर (बी-II)]

यू. एस. पाण्डेय, डेस्क अधिकारी

New Delhi, the 5th April, 2010

S.O. 1147.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 137/2000) of the Central Government Industrial Tribunal-cum-Labour Court-I, Chandigarh now as shown in the Annexure in the Industrial Dispute between the employees in relation to the management of Punjab National Bank and their workmen, which was received by the Central Government on 1-4-2010.

[No. L-12012/258/99-IR (B-II)]

U. S. PANDEY, Desk Officer

ANNEXURE

**BEFORE SHRI GYANENDRA KUMAR SHARMA,
PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT-I, CHANDIGARH.**

Case ID No. 137/2000

Sh. Devinder Pal Singh S/o J. Singh, Nai Basti Near ITI Chowk, Budhlada, Distt. Mansa (Punjab) ... Applicant

Versus

The General Manager, Punjab National Bank, Regional Office-1, Sector 17/B, Chandigarh ... Respondent

APPEARANCES

For the Workman : None

For the Management : Shri N. K. Zakhmi

AWARD

Passed on 16-3-2010

Government of India vide Notification No. L-12012/258/99-IR (B-II) dated 31-1-2000, by exercising its powers under Section 10 of the Industrial Disputes Act, 1947 (the Act in short) has referred the following industrial dispute for adjudication to this Tribunal :—

“Whether the action of the management of Punjab National Bank in awarding the punishment of dismissal from services to Shri Devinder Pal Singh s/o. Shri Joginder Singh is legal and just? If not ‘what relief the workman is entitled to and from which date?’”

2. Today the case was fixed for arguments on fairness of enquiry. No one is present on behalf of the workman. The case is critically old as the same was referred to this tribunal in the year 2000. Already 10 years have been passed. It appears that workman is not interested to pursue with the present reference. In view of the above, the claim in the present reference is returned to the Central Government for want of prosecution. Central Government be informed, File be consigned.

G. K. SHARMA, Presiding Officer

Chandigarh.

16-3-2010

नई दिल्ली, 8 अप्रैल, 2010

का.आ. 1148.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार यूनियन बैंक आफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय-1, चंडीगढ़ के पंचाट (संदर्भ संख्या 120/98) को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-4-2010 को प्राप्त हुआ था।

[सं. एल-12012/233/97-आईआर (बी-II)]

यू. एस. पाण्डेय, डेस्क अधिकारी

New Delhi, the 8th April, 2010

S.O. 1148.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 120/98) of the Central Government Industrial Tribunal-cum-Labour Court-I, Chandigarh now as shown in the Annexure in the Industrial Dispute between the employees in relation to the management of Union Bank of India and their workmen, which was received by the Central Government on 7-4-2010.

[No. L-12012/233/97-IR (B-II)]

U. S. PANDEY, Desk Officer

ANNEXURE

**BEFORE SHRI GYANENDRA KUMAR SHARMA,
PRESIDING OFFICER CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL -CUM-LABOUR
COURT-I, CHANDIGARH.**

Case I.D. No. 120/98

Shri Ashok Kumar C/o. General Secretary, Union Bank Staff Union, Union Bank of India, G. T. Raod, Panipat. ... Applicant

Versus

The General Manager, Union Bank of India, Shaheed Bhagat Singh Place, IIIrd Floor, Gole Market, New Delhi.

. . Respondent

APPEARANCES

For the Workman : Shri Pawan Bansal, Advocate.

For the Management : B. B. Bagga, Advocate.

AWARD

Passed on 26-3-2010

Government of India vide notification no. L-12012/233/97-IR(B-II), dated 29-06-1998 by exercising its powers under Section 10 of the Industrial Disputes Act, 1947 (the Act in short) has referred the following industrial dispute for adjudication to this Tribunal :—

“Whether the action of the management of Union Bank of India in refusing promotion to Shri Ashok Kumar Jain from sub-staff to clerical cadre w.e.f. 10-7-95, the day on which the other employees have been promoted in terms of Circular No. 4202, dated 10-7-95 is legal and justified? If not, to what relief the said workman is entitled?”

After receiving the reference, parties were informed. Parties appeared and filed their respective pleadings. The issue of the workman Shri Ashok Kumar Jain in nut shell is that he is deaf and dumb falls under the category of physical handicapped employees. He was appointed by the bank against physical handicapped quota as group D employees. In violation of promotion policy, from sub staff to clerical cadre as contained in staff circular letter no. 3712 dated 3-1-91, duly modified vide staff circular letter no. 4268 dated 6-3-96, the management of the bank unilaterally disqualified the workman to participate in the subsequent promotion process. Initially for two years the management of bank permitted the workman to participate in promotion process but subsequently workman was declare ineligible under Clause 2 of the said promotion policy. On representation of the workman he was allowed for participating in the promotion policy, but vide letter dated 26-2-95, he was debarred from participating in promotion process and the letter given to the workman for participating in such process was cancelled. On the basis of the above grievances of the workman, the workman raised an industrial dispute and on account of failure of conciliation proceedings, this reference.

The management of the bank appeared and contested the petition of the workman by filing written statement. It is contended by the management that as per the policy of Union Bank of India dated 12-3-98 the candidates belonging to deaf and dumb category whose disability is 40% and more are not eligible for the clerk/

cashier post identify for promotion from sub-staff to clerical cadre. Under this policy the workman was debarred and held ineligible to appear in promotion process.

Parties were afforded the opportunity for adducing evidence. Workman being deaf and dumb, his representative Shri V. K. Aggarwal was permitted to file his affidavit on his behalf vide order dated 19-6-2006. Shri Aggarwal filed the affidavit and he was cross-examined by learned counsel for the management of the bank. Likewise, Shri Mohan Lal, Senior Manager filed his affidavit on behalf of the management of the bank and he was cross-examined by the representative of the workman. All the policies related to the promotion from sub-staff to clerical cadre are on record. I have heard the parties at length and perused all the policies and entire materials on record. As per the policies relied upon by the workman, any government policy adopted by the bank regarding the promotion shall be applicable between the parties. Clause-2 contains the criteria for promotion from sub-staff to clerical cadre and it does not bar any deaf and dumb candidate for promotion from sub-staff to clerical cadre. But as per this very policy any other policy of the bank which affects the promotion process of any workman from sub-staff to clerical cadre shall be applicable between the parties. Thus, the policy which is filed as Exhibit W 21/2 adopted by the Union Bank of India regarding the promotion of deaf and dumb employee from sub-staff to clerical cadre will be applicable between the parties. Clause 4 of this policy (guidelines) for promotion process from sub-staff to clerical cadres reads as under :

“Clause-4 please note that candidate belonging to blind, deaf and dumb categories whose disability is 40 per cent or more are not eligible for the clerical/cashier posts identified for promotion from sub-staff to clerical cadre.”

It is not disputed that disability of workman is 100 per cent. He cannot heard nor speak. Thus, as per Clause-4 of above policy he was, rightly debarred and made ineligible for participating in promotion process from sub-staff to clerical cadre.

The virus of this policy has not been challenged and cannot be challenge before this Tribunal. The bank has adopted a policy regarding the promotion from sub-staff to clerical cadre and that policy is applicable and enforceable upon the parties. Thus, the management of the bank has rightly debarred Shri Ashok Kumar Jain for participating in promotion process from sub-staff to clerical cadre and Shri Ashok Kumar Jain is accordingly not entitled for any relief. Let Central Government be approached for publication of award, and thereafter, file be consigned to record room.

Chandigarh

G. K. SHARMA, Presiding Officer

नई दिल्ली, 8 अप्रैल, 2010

का. आ. 1149.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार देना बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में श्रम न्यायालय, पुणे के पंचाट (संदर्भ संख्या 317/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-4-2010 को प्राप्त हुआ था।

[सं. एल-12012/39/2005-आई आर(बी-II)]

यू. एस. पाण्डेय, डेस्क अधिकारी

New Delhi, the 8th April, 2010

S. O. 1149.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 317/2005) of the Labour Court, Pune now as shown in the Annexure in the Industrial Dispute between the employees in relation to management of Dena Bank and their workmen, which was received by the Central Government on 7-4-2010.

[No. L-12012/39/2005-IR(B-II)]

U. S. PANDEY, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER-III, LABOUR COURT, PUNE AT PUNE

Reference (IDA) No. 317/2005

The Regional Manager,

Dena Bank,

Regional office, Madha Chambers,

S. P. Bapat Road, Pune-16

... 1st Party

And

Sarjerao Khandagale,

Post-Deolali Pravara,

Ganet, Nagar, Karwadi,

Tal. Rahuri, Ahmednagar

... II Party

Coram : Shri P. T. Rahule

APPEARANCES : Mr. N. A. Kulkarni, Adv.
for II Party

AWARD

(Date : 30-12-2009)

This reference is made by Government of India, Bharat Sarkar, Ministry of Labour, Shram Mantralaya, New Delhi under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 for adjudication of industrial dispute between above referred parties to decide the legality of the management action and what relief can be granted.

2. The case of the Second Party—Sarjerao Khandagale in brief is that the Second Party was working with the First Party as a sweeper-cum-sub-staff for full day for the period from 2000 till 19-1-2004. He was paid salary of Rs. 55 per day on vouchers on weekly basis. His services were terminated by the First Party—Bank w.e.f. 19-1-2004 by oral orders without giving any reason. He was illegally terminated without complying the provisions of Section 25-F of the Industrial Disputes Act, 1947 and any seniority list as per Rule 81 of the Industrial Disputes (Bombay) Rules, 1957 was not displayed prior to retrenchment. Neither any chargesheet nor any enquiry was conducted before terminating his services, nor any notice pay or compensation was paid. Hence, he approached the conciliation officer, where on failure of the conciliation, the reference came to be made to this Court on 18-8-2005. He filed statement of claim with the prayer of reinstatement and back wages and continuity of service.

3. The First Party resisted the claim by filing written statement at Ext. 21. The employment of the Second Party with the First Party is itself, denied by the First Party. The further allegation of illegal termination has been denied. It is contended that he was never in the employment of the First party. The employer-employee relationship never existed between them and hence the reference is bad in law for want of employer-employee relationship and hence deserves to be dismissed. On these and other grounds, it prayed for rejection of the reference.

4. On the basis of the pleadings, averments, allegations and rival contentions, following issues came to be framed at Ext. 22 on 11-9-2008; the reasonings and findings thereon are as follows :

ISSUES	FINDINGS
1. Whether employer-employee relationship exists the First Party and Second Party?	Yes
2. Whether the First Party has illegally terminated the Second Party w.e.f. 19-1-2004?	Yes
3. Whether the Second Party is entitled to the reliefs claimed?	Yes
4. What Award?	Allowed

REASONS

5. Issue Nos. 1 and 2: The Second Party—Sarjerao Raghunath Khandagale has examined himself by way of an affidavit at Ext. 26. On the other hand, the First Party did not adduce any sort of evidence.

6. It is evident from the testimony of the Second Party (Ext. 26) that he came in the employment of the First Party as sweeper-cum-sub-staff since 2000 and continuously worked till 19-1-2004. On 19-1-2004, by verbal orders, his services were illegally terminated without giving

any notice pay and compensation. Even the compliance of Rule 81 was not done by displaying seniority list. His last drawn salary was Rs. 55 per day. It has also been specifically deposed that the stand taken by the First Party of employer-employee relationship is absolutely baseless and false. It is also evident from his testimony that despite the order of the Court, the First Party did not produce vouchers, attendance card and register for the period 2000 till 2004. He also deposed that between 1.00 p.m. to 1.30 p.m. Everyday he used to do additional work in Deolali Branch of the First Party Bank for which he was getting additional amount of Rs. 175 per month.

Any cross examination has not been done on behalf of the First party.

7. By agglomerating the entire evidence of the Second party, it is clear that he continuously worked as sweeper-cum-sub-staff since 2000 till 19-1-2004 and had completed more than 240 days.

8. It is also evident from his testimony that the compliance of mandatory provisions of Section 25-F of the Industrial Disputes Act, 1947 has not been done by the First Party by terminating his services and the seniority list as per Rule 81 was also not displayed before termination. This part of the testimony remained unchallenged for want of any cross examination and hence has become trust-worthy especially when, the order below Ext. 23 dated 30-4-2009 has not been complied by the First Party regarding the production of the relevant documents. It has given room to draw adverse inference against the First Party.

9. Having considered the foregoing discussions coupled with the unchallenged testimony of the Second Party, without giving any further details, I dauntlessly reach the conclusion that the employer-employee relationship exists between the Second Party and First Party and the First party had illegally terminated services of the Second Party w.e.f. 19-1-2004. I, therefore, answer this Issue Nos. 1 and 2 accordingly.

10. **Issue no. 3 :** In view of the findings on Issue Nos. 1 and 2, there is no other go than to hold that the Second Party is certainly entitled for the reinstatement. It does not mean that he is also entitled automatically for the back wages. In that regard, he has to adduced required evidence. In respect of the back wages, the Second Party has specifically deposed that after his termination, he tried his best to get alternative employment but could not get it and he is unemployed since then. This fact remained unchallenged for want of cross-examination and hence has to be believed.

11. Having considered the discussions in foregoing paras, wherein it has been held that the unchallenged testimony of the Second Party is trust-worthy, I dauntlessly reach the conclusion that the Second Party is entitled for the entire back wages at the rate of his last

drawn salary. I, therefore, answer Issue No. 3 accordingly, and in the aftermath, pass following order:

ORDER

The reference is allowed.

The first Party is directed to reinstate the Second Party with full back wages from the date of termination i.e. 19-1-2004 and continuity of service within one month from the date of publication of the award. No order as to costs.

Place: Pune

Date: 30-12-2009.

P. T. RAHULE, Presiding Officer

नई दिल्ली, 8 अप्रैल, 2010

का. आ. 1150.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक आफ बड़ोदा के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधि करण/ श्रम न्यायालय-1, धनबाद के पंचाट (संदर्भ संख्या 175 आफ 2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-4-2010 को प्राप्त हुआ था।

[सं. एल-12011/205/99-आई आर(बी-II)]

यू. एस. पाण्डेय, डेस्क अधिकारी

New Delhi, the 8th April, 2010

S. O. 1150.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.175/2000) of the Central Government Industrial Tribunal/Labour Court No-I, Dhanbad now as shown in the Annexure in the Industrial Dispute between the employees in relation to the management of Bank of Baroda and their workman, which was received by the Central Government on 7-4-2010.

[No. L-12011/205/99-IR(B-II)]

U. S. PANDEY, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL No. 1, DHANBAD

In the matter of a reference U/S. 10(1) (d) (2A) of the Industrial Disputes Act, 1947

Reference No. 175 of 2000

Parties : Employers in relation to the management of Bank of Baroda.

And

Their Workmen

Present : SHRI H. M. SINGH, Presiding Officer.

APPEARANCES:

For the Employers : None

For the Workmen : None

State : Bihar Industry : Bank

Dated, the 25th March, 2010

AWARD

By Order No. L-12011/205/99/IR (B-II) dated 5-6-2000 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal:

"Whether the action of the management of Bank of Baroda Patna in transferring award staff who are junior to other award staff in same station vide circular No. CO. : BR:71/357 dated 13th December, 1979 read with Circular No. RM:88:PD:6/251 dated 31-12-1985 in respect of granting request transfers to workmen were justified? If not, what relief the workmen are entitled to?"

2. This reference case was received in this Tribunal on 3-7-2000. But after notice sent to the parties none appeared from either side till 18-11-2009. The union also did not take any step to file written statement on behalf of the workmen. It therefore appears that neither the sponsoring nor the concerned workmen are interested to contest the case.

In such circumstances, I render a 'No Dispute' Award in the present reference case.

H. M. SINGH, Presiding Officer

नई दिल्ली, 8 अप्रैल, 2010

का. आ. 1151.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एवं ई.सी.एल. के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, असनसोल के पंचाट (संदर्भ संख्या 18/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-4-2010 को प्राप्त हुआ था।

[सं. एल-22012/38/2006-आई आर(सी एम-11)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 8th April, 2010

S. O. 1151.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 81/2006) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Asansol as shown in the Annexure, in the Industrial Dispute between the management of Eastern Coalfields Limited, and their workman, which was received by the Central Government on 8-04-2010.

[No. L-22012/38/2006-IR (CM-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE THE COURT OF CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM- LABOUR COURT, ASANSOL

Reference No. 81/ITC/2006

Management of Nimcha Colliery of E. C. L.

Vrs.

Asst. General Secretary, Koyla Mazdoor Congress

SETTLEMENT IN LOK ADALT

HELD ON 11TH DECEMBER, 2009 AT KAJORA GUEST HOUSE

AWARD

On amicable settlement by both parties the dispute is resolved in the Lok Adalat. The Terms of agreement contained in form 'H' to form part of the Award.

MANORANJAN PATTHAIK, Presiding Officer

FORM 'H'

(See Rule 58) under Industrial Dispute

Central Rules-1957

Memorandum of settlement arrived at between Sri Sunil Bouri, Ex. U.G. Loader U. M. No. 130906 of Nimcha R/Colliery.

Representative of Management Person Concerned

- | | |
|--|--|
| 1. Sri S. Saran,
Chief General Manager,
Satgram Area | 1. Sri Sunil Bouri
Ex U. G Loader. Nimcha
®/Colliery |
| 2. Sri J. S. Sayare,
Dy. C. P. M, Satgram Area | |
| 3. Sri B. Bhowmick,
Dy. PM, Nimcha ®/Colliery | |

Short recital of the case

1. Sri Sunil Bouri, Ex.UG Loader, U.M.No.130906 of Nimcha® Colliery was charge sheeted for absenting from duty from 17-01-2004. A departmental enquiry was conducted, where in the charges were proved and accordingly Sri Bouri was terminated from his services on dismissal vide letter No. Sat/PER/Dismissal/05/911 dated 8-2-2005.

2. Sri Sunil Bouri, Ex. UG Loader, U.M.No 130906 of Nimcha® Colliery had submitted mercy application for his re-instatement in service and the Competent Authority, ECL has been pleased to approve re-instatement of his service on revocation of his aforesaid order of dismissal without payment of any back wages subject to ascertaining his medical fitness as communicated by Dy. C.P. M (L& IR), ECL, HQ vide letter Ref. No. ECL/CMD/C-6 (D)/L& IR/09/DA/897 dated 14/21-8-2009.

TERMS AND CONDITION OF SETTLEMENT

1. Agreed that Shri Sunil Bouri, Ex. UG Loader, U.M.No.130906 of Nimcha® Colliery will be re-instated in service in his pervious designation as he has been declared FIT FOR UG JOB by the competent medical board, Satgram Area and to be posted in any of the Colliery under Satgram Area where there is requirement.

2. Agreed that this settlement resolves the dispute fully and finally. Neither the workman concerned nor his union shall raise any dispute in any forum/court of law after this settlement in this regard. Even he has assured for unconditional withdrawal of his CGIT case No. 81 of 2006 pending before the CGIT, Asansol before his instatement. It is also agreed that the person concerned will also submit a "NO DISPUTE" certificate in this regard to the management. Process for his Re-instatement in service will be made accordingly.

3. Colliery Authority have confirmed that Sri Sunil Bouri has not yet drawn his gratuity & CMPF accumulations.

4. Agreed that the Ex-employee concerned will not be entitled for any back wages for the period of his idleness and the period of his absence/idleness shall be treated as DIES-NON.

5. Agreed that Ex-employee will be allowed the benefit of continuity of service for the period of his idleness for the purpose of computation of his final gratuity payment only.

6. Agreed that the ex-employee on such re-instatement in service shall be on probation for a minimum period of ONE(1) year and the same will be confirmed only on receipt of satisfactory performance certification on expiry of probation period by CGM/GM on the area.

7. Agreed that the instant settlement has been arrived with the free consent of the ex-workman concerned as he has found the settlement to be reasonable, just and free from any kind of influence.

8. Agreed that a copy of this Memorandum of settlement shall be sent to CGIT, Asansol & the Regional Labour Commissioner (C). Asansol for registration as per I.D. Act, 1947.

9. The workman will submit his undertaking that in future he will not commit the misconduct of unauthorised and/or habitual absence from duty.

The agreement is signed by both the parties on 23-10-2009.

Management Representative **Ex-Workman Concerned**

1. S. Saran
Chief General Manager
Satgram, Area

LTT (Sunil Bouri)
of Ex. UG Loader,
Nimcha® Colliery

2. J. S. Sayare
Dy. Chief Personnel
Manager, Satgram Area

3. B. Bhowmick
Dy. Personnel Manager,
Nimcha® Colliery.

WITNESSES

Name	Designation	U. M. No.	Area/Colliery	Signature
1. Sri Kartik Bouri	Ug. Loader	115189	Nimcha® Colliery/Sat. Area	
2. Sri Binod Kumar Gupta	Ug. Loader	124675	-do-	

नई दिल्ली, 8 अप्रैल, 2010

का. आ. 1152.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एंव एफ.सी.आई. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 2, मुम्बई. के पंचाट (संदर्भ संख्या 2/45 ऑफ 2009) को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-4-2010 को प्राप्त हुआ था।

[सं. एल-22011/9/2009-आई आर(सी-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 8th April, 2010

S. O. 1152.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 2/45 of 2009) of the Cent. Govt. Indus. Tribunal No. 2, Mumbai now as shown in the Annexure in the Industrial Dispute between the management of Food Corporation of India, and their workmen, received by the Central Government on 8-4-2010.

[No. L-22011/9/2009-IR (CM-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL No. 2, MUMBAI****PRESENT**

A. A. LAD, Presiding Officer

Reference No. CGIT-2/45 of 2009

EMPLOYERS IN RELATION TO THE MANAGEMENT OF FOOD CORPORATION OF INDIA

1. The Assistant Manager,
Food Corporation of India,
Grinha Nirman Bhavan,
Journalist Colony,
Alto Provorim, Goa-403521.

2. The General Manager (Mah. Region),
Food Corporation of India,
Dheeraj Arma Building, 2nd flr,
Dr. Anant Kanekar Marg,
Bandra (East), Mumbai-400 051. . . 1st Party

V/s.

THEIR WORKMEN

The Joint Secretary,
Food Corporation of India Workers Union,
58/1, Diamond Harbour Road,
Kolkata-700 023. . . 2nd Party

APPEARANCE:

For the Employer : No appearance

For the Workmen : No appearance

Date of passing the Award : 9-3-2010

AWARD

The matrix of the facts as culled out from the proceedings are as under :

1. The Government of India, Ministry of Labour by its Order No. L-22011/9/2009-IR(CM-II) dated 18th May, 2009 in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2 (A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following dispute to this Tribunal for adjudication :

"Whether the action of the Management of FCI in engaging Handling & Transport Contractor at Verna Rail Head and not to allow the DPS workers to continue food handling job at Verna Rail Head is legal and justified ? To what relief is the claimant entitled for ?"

2. Notice was served on the union. However, nobody appeared in the Reference to file Claims Statement. Even Corrigendum to this Reference reveals that, while sending Reference for adjudication it is mentioned that parties should file Claims Statement within 15 days by exchanging the copy of it to other side. However though notices were sent and served Union has not taken any steps to file its case. Hence, the order :

ORDER

Reference is dismissed for want of prosecution.

A. A. LAD, Presiding Officer

Mumbai, 9th March, 2010

नई दिल्ली, 8 अप्रैल, 2010

का. आ. 1153.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पंजाब एण्ड सिंध बैंक के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक

अधिकरण/श्रम न्यायालय-I, चंडीगढ़ के पंचाट (संदर्भ संख्या आई. डी. संख्या 15/2004, 303/2004, 125/2002, 123/2002, 13/2006 को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-4-2010 को प्राप्त हुआ था।

[सं. एल-12012/202/2003-आई आर(बी-II)

15/2004

एल-12012/123/2004-आई आर(बी-II)

303/2004

एल-12012/34/2002-आई आर(बी-II)

125/2002

एल-12012/13/2002-आई आर(बी-II)

123/2002

एल-12012/140/2005-आई आर(बी-II)]

13/2006

यू. एस. पाण्डेय, डेस्क अधिकारी

New Delhi, the 8th April, 2010

S. O. 1153.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. Nos. I.D. No.15/2004, 303/2004, 125/2002, 123/2002, 13/2006 of the Cent. Govt. Indus.Tribunal-cum-Labour Court No. I, Chandigarh now as shown in the Annexure in the Industrial Dispute between the management of Punjab and Sind Bank, and their workman, which was received by the Central Government on 7-4-2010.

[No.L-12012/202/2003-IR (B-II)

For 15/2004

No.L-12012/123/2004-IR (B-II)

For 303/2004

No.L-12012/34/2002-IR (B-II)

For 125/2002

No.L-12012/13/2002-IR (B-II)

For 123/2002

No.L-12012/140/2005-IR (B-II)]

For 13/2006

U. S. PANDEY, Desk Officer

ANNEXURE

BEFORE SHRI GYANENDRA KUMAR SHARMA,
PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT I,
CHANDIGARH

Case I. D. Nos.-15/2004, 303/2004, 125/2002,
123/2002 and 13/2006

- (1) Shri Paramjit Singh S/o Shri Bahadur Singh, R/o H.No. 397, LIG, Phase-I, Urban Estate, Patiala.
- (2) Shri Hari Prasad S/o Shri Chandra Mani C/o Shri Ajay Mahajan, Labour Law Advisor, 1529, Sector-18D, Chandigarh.

- (3) Shri Davinder Kumar S/o Shri Jagbir Singh, VPO Shahzadpur (Majra), Tehsil-Naraingarh, Ambala.
- (4) Shri Ghanshyam Singh, S/o Shri Dharam Pal, H.No. 1780, Gali Gaushala Tibi Sahib Road, Mukatasar (Punjab).
- (5) Shri Rashpal Singh, S/o Shri S. Aya Singh, R/o Bhore Camp Ward No. 2, Tehsil & Dt. Jammu, Jammu.

... Applicants

Versus

- (1) The Regional Manager, Punjab & Sind Bank, Passey Road, Patiala.
- (2) The Branch Manager, Punjab & Sind Bank, Sector-17-B, Chandigarh.
- (3) The Zonal Manager, Punjab & Sind Bank, Zonal Officer, Bhago Road, Bhatinda 151001.
- (4) The Manager, Punjab & Sind Bank, M. C. Khalsa School, Jammu.

... Respondents

APPEARANCE:

For the Workman Shri Sandeep Bhardwaj,
R. P. Rana, Ajay Mahajan,
M. S. Gorski Advocates.

For the Management : Shri Sapan Dhir & J. S. Sathi
Advocates.

AWARD

Passed on : 26-3-2010

This award shall disposed off following five industrial disputes and references :—

- (1) ID No. 15/2004, Ref. No. 12012/202/2003-IR (B-II), dated 30-01-2004 Shri Paramjeet Singh Vs. Punjab & Sind Bank.
- (2) ID No. 303/2004, Ref. No. 12012/123/2004-IR (B-II), dated 20-10-2004 Shri Hari Prasad Vs. Punjab & Sind Bank.
- (3) ID No. 125/2002, Ref. No. 12012/34/2002-IR (B-II), dated 28-06-2002 Shri Davinder Kumar Vs. Punjab & Sind Bank.
- (4) ID No. 123/2002, Ref. No. 12012/13/2002-IR (B-II), dated 18-06-2002 Shri Ghanshyam Singh Vs. Punjab & Sind Bank.
- (5) ID No. 13/2006, Ref. No. 12012/140/2005-IR (B-II), dated 28-04-2006 Shri Rashpal Singh Vs. Punjab & Sind Bank.

The references referred by the Central Government in all the five industrial disputes are as follows:—

(1) ID No. 15/2004, Whether the action of the management of Punjab & Sind Bank through Regional Manager, Patiala in terminating the services of Shri Paramjit Singh, Daily Wager w.e.f. March 2002 by not complying with the provisions of Section 25-F, 25-G of ID Act, 1947 was just legal and fair ? If not, what relief the workman is entitled to and from which date ?”

(2) ID No. 303/2004, Whether the action of the management of Punjab & Sind Bank in terminating the services of Shri Hari Parshad S/o Shri Chandra Mani, Ex-Peon-cum-Driver (Daily Wages Basis) w.e.f.31-08-1999 without any notice and payment of retrenchment compensation in violation of statutory provisions of Sections 25-F, G & H of the ID Act, 1947 is just and legal ? If not, what relief the concerned workman is entitled to and from which date ?

(3) ID No. 125/2002, Whether the action of the management of Zonal Manager, Punjab & Sind Bank, Zonal Office Haryana, Chandigarh in terminating the services of Shri Devender Kumar, Peon is just and legal ? If not, what relief the workman is entitled to ?

(4) ID No. 123/2002, Whether the action of the management of Punjab & Sind Bank in terminating the services of Shri Ghanshyam Singh S/o Shri Dharam Pal, Peon w.e.f. 17-02-2001 without paying him any retrenchment compensation is just and legal ? If not, what relief the workman is entitled to and from which date ?”

(5) ID No. 13/2006, Whether the action of the management of Punjab & Sind Bank i.e. Zonal Manager, Punjab & Sind Bank, M.C.Khalsa School Jammu Branch in terminating the services of Shri Rashpal Singh S/o Shri S. Aya Singh, Ex-Temporary Peon posted in the M.C. Khalsa School Branch as per the Bank's first Bipartite Settlement signed on 19-10-1966 was justified ? If not, what relief the workman is entitled and from which date ?”

Common question of law and facts are involved in all these references, hence, the same are adjudicated and answered by this award.

In all the five references, it is the contention of the workman that they were engaged by the management of respondent and they had served the management with different periods. They served for more than 240 days in the preceding year from the date of their termination but their services were terminated without notice or one month wages in lieu of notice and without payment of lawful retrenchment compensation. Their termination is illegal and void being against the provisions of the Industrial Disputes Act (the Act in short). On the basis of the above contention

they have prayed for their reinstatement in to the services with full back wages along with other consequential benefits.

In *Hari Parshad Vs. Punjab & Sind Bank*, the workman has contended that he worked as driver-cum-peon from 3-11-94 to 31-8-99. In *Paramjit Singh's* case, the workman has contended that he worked from November 1992 to March 2002 as casual labour. In *Devender Kumar Vs. Punjab & Sind Bank* it is contended by the workman that he worked with the management of respondent in two spans, namely from 24-4-97 to 26-9-1999 and thereafter, 11-1-99 to 21-1-2000. In *Ghanshyam Singh's* case it is contended by the workman that he worked with the management as daily casual worker from 1-2-2000 to 17-2-2001. In *Rashpal Singh's* case, it is contended by Shri Rashpal Singh that he worked with the management from 4-10-1989 to June 1993. The management maintained his seniority list and his name figured at Serial No. 1 in branch seniority list and at serial no. 8 of the seniority list maintained at region level. All the persons mentioned in the list were afforded the temporary status and thereafter, their services were regularized, whereas, his services were terminated without notice, or a month wages in lieu of notice or lawful terminal dues. From the above facts, it is clear that matter of all the workmen is similar and some facts in one matter (*Rashpal Singh's* Case) are different which shall be dealt with separately in this award.

The management of respondent appeared and denied the relationship with the workman in preliminary objections. It is contended by the management that none of the workman was appointed as per the procedure mentioned in the rules applicable to the bank. The bank has its own rules and regulations for appointment of employees. None of the workman was appointment as per rules. It is admitted by the management that all the workman except one (*Shri Hari Parshad*) namely, *Paramjit Singh*, *Devender Kumar*, *Ghanshyam Singh* and *Rashpal Singh* were appointed on casual basis temporarily as per need. They were paid the daily wages. Regarding *Shri Hari Parshad* it is contended by the management that he was appointed as Driver by the then G.M. in his personal capacity. As per the rules of the bank the officers of the Bank of a particular cadre can appoint his Driver on the vehicle provided by the bank and the wages of the Driver can be reimbursed from the bank. It was further contended by the management that in the case of *Shri Hari Prashad* there was no master-servant relationship between the workman *Shri Hari Parshad* and the management of respondent bank.

Parties were afforded the opportunity for adducing evidence. Evidence of the parties was recorded. Documents were also filed in some cases by the workman and the management of respondent bank.

The parties were heard at length. In *Hari Parshad's* case, the workman has filed certain documents which

includes his identity card issued by the bank, certain bills for repairing of the bank vehicle and the copy of the vouchers' register in which the signature of the workman have been accepted by the witness of the management. Few letters written by the Chief Manager of the concern branch to the GM are also on record which shows that workman *Shri Hari Parshad* was not only working as a Driver but he was also doing other work of the bank. He was sometimes paid the wages through vouchers and some vouchers are on record. On perusal of the oral and documentary evidence adduced by the parties, it is evident that *Shri Hari Parshad*, the workman, was not only working as a Driver but he was also discharging the work of a temporary peon. Thus, there is no force in the contention of the management that *Hari Parshad* was engaged as a personal Driver by the DGM and he was paid the wages by the DGM personally. As stated earlier, the documents on record proved that he was working as a temporary Driver of the bank as well as discharging the work of a peon. There is no dispute on the issue that workman has completed 240 days in the preceding year from the date of his termination.

Likewise, in the case of *Shri Paramjit Singh*, the workman was working as a casual worker. It is not denied that he has completed 240 days of work. The management of respondent bank in this reference was afforded the opportunity for adducing evidence but the management failed. Order dated 18-11-09, makes it clear that on account of absence of the management opportunity for cross-examination and evidence of the management was closed. Thereafter, management appeared but did not avail the opportunity for evidence. The workman not only by filing affidavit but otherwise has proved that he has completed 240 days of work in the preceding year from the date of his termination. If the pleading of the management in *Paramjit Singh's* case are perused, it is not specifically denied as well that the workman has completed 240 days of work.

Likewise, in the case of *Devender Kumar*, it is admitted that he was working as daily waged worker. It is not denied that he was worked in two spans as mentioned by the workman. In *Devender Kumar's* case there is no dispute of two spans worked by the workman with the management. The witness of management MW1 has admitted that workman has worked with the bank from 11-1-99 to 21-2-2002. No doubt, slightly thereafter, in the cross-examination on the very day he has shown his ignorance that he does not know whether he has completed 240 days or not. The first reflection and the statement given by the witness shall be considered to be true because the second statement was afterthought. The management has filed all the vouchers and during arguments it is contended by learned counsel for the management that Sunday and Holidays are not calculated in these 220 days. It is settled principle of service jurisprudence that workman has only worked for 220 days in the preceding year from the date of

his termination. It is also stated by learned counsel for the management that Sundays and Holidays are to be counted while calculating the working days of the workman. If the Sundays and other Holidays are counted, the workman has certainly completed 240 days with the management in the preceding year from the date of his termination.

In Ghanashyam Singh's case it is not denied by the management in cross-examination that workman has completed 240 days in the preceding year from the date of his termination. The witness of the management has shown his ignorance about the completion of 240 days. The workman has filed the vouchers and the same are not denied. From the perusal of the vouchers, it is clear that workman has completed 240 days in the preceding year from the date of his termination.

Likewise, in the case of Shri Rashpal Singh, documents filed by the workman have not been denied. These documents are admitted by the witness of the management in his cross-examination. The inter se correspondence between the officers and the management has been admitted. The seniority list of temporary employees prepared by the management is on record. The witness of the management has not denied the two facts:-

- (1) Maintaining the seniority list.
- (2) All the persons except Shri Rashpal Singh have been conferred temporary status and their service have been regularized.

The witness has just shown his ignorance about this fact but it is not specifically denied. I have recorded the evidence of the management in my own handwriting and I am of the view that the ignorance shown by the management witness is an attempt to by pass from the main issue. It should not be permitted. The Industrial Disputes Act is the beneficiary legislative provisions to the workman. If a fact has not been denied by the witness of the management but the witness of the management tried to by pass the question, the fact should be considered to be true.

In Rashpal Singh's case it has also been argued by learned counsel for the management that industrial dispute suffers with delay and latches on the part of the workman. It has further been argued by learned counsel for the management that workman is guilty of concealing certain material facts that he has approached the Civil Court and Hon'ble High Court prior to raising the Industrial dispute. On perusal of the pleading of the workman, it is evident that the workman has very well mentioned the fact in his claim petition that after withdrawing the petition from Hon'ble the High Court, he raised the industrial dispute. Thus, the workman is not guilty of concealing the material facts. I have also gone through the orders passed by different courts including the Hon'ble High Court of Punjab and Haryana filed by the management. I am of the

view that workman is also not guilty of delay and latches. He has raised his claim within a reasonable time before the Civil Court and he continuously raised the issues before different Forums. It may be result of wrong legal advice that he opted different Forums. For this wrong legal advice the workman should not suffer. This Tribunal while adjudicating such grievances should not be technical in its approach but should try to delivery justice. Justice requires that when a person is raising his disputes before the different Forums throughout and after considerable time he has approached the right Forum with permission of the previous Forum, it should not be held that there was delay and latches on his part. The workman withdrawn has the petition before Hon'ble the High Court on condition of raising his grievances before the appropriate Forum.

Shri Rashpal was working as temporary Peon. It is also not denied that he has worked for more than 240 days in the preceding year from the date of his termination.

Thus, in all the references it is established that every workman was engaged by the management as temporary Peon on daily wages. Every workman has completed 240 days in the preceding year from the date of his termination. It is admitted that no notice or one month wages in lieu of notice and lawful terminal dues were given to every workman before termination of their services. There is one more issue by learned counsel for the management of respondent bank regarding regularization of the services of the workman. It is contention of the management that even if daily casual workers have completed 240 days of work are not entitled for regularization of their services. The management has relied upon certain case laws which are the part of pleadings of management. I have gone through the case laws mentioned in the pleadings. The management has also relied upon the judgement given by Hon'ble the Apex Court in Secretary State of Karnataka and others Vs. Uma Devi and others. I have gone through this judgement as well. The issue raised in all the four industrial disputes except the dispute raised by Shri Rashpal Singh are not related to the regularization of the services of the workman. The issue raised by all the workman except Shri Rashpal is the protection of right to work. The protection of right to work under the provisions of Industrial Disputes Act is different issue then the regularisation of the services of the workman. The regularization of the services can be made by the management only as per rules. The protection of right to work means the protection from unlawful termination. The provisions of Industrial Disputes Act are equally applicable to prevent the infringement of any right of the daily casual worker or a temporary employee. The provisions of the Act specifically provides that once a daily waged worker has completed 240 days of work in the preceding year from the date of his termination, his services cannot be terminated without the procedure established by the Industrial Disputes Act. It is also mentioned in the provisions of this Act that

management cannot be elective in terminating the services. The workman should be disengaged on the principle of first come last go. Likewise, even after the lawful termination, if the services of a daily waged worker are required, preference has to be given to the retrenched workman. Meaning thereby, the Industrial Disputed Act does not absolutely barred the termination. It regulates the termination in the sense that if the circumstances arises in which termination of a daily waged worker or any other workman is inevitable, it has to be terminated as per the provisions mentioned in the Industrial Dispute Act. The Act says that before terminating the services of any workman who has completed 240 days in the preceding year forms the date of his termination, one month notice or one month wages in lieu of notice and payment of other lawful terminal dues is condition precedent. If it is not done, it will make the termination of any workman illegal and void being against the provisions of the Act. In all the five references it has been established that every workman was working with the management directly. Every workman has completed 240 days of work in the preceding year from the date of his termination. Their services were terminated without notice or one month wages in lieu of notice and without payment of lawful terminal dues. This makes the termination of every workman unlawful and void being against the provisions of the Industrial Dispute Act.

Whenever the termination of workman from the services has been declared to be void, there are two possible remedies available. The first remedy is reinstatement of the workman into the services and another remedy is the lawful compensation. It is the established law of service jurisprudence that preference should be given to the reinstatement of every workman in to the services. Where the circumstances do not warrant reinstatement, a reasonable compensation should be paid. The reasonable compensation should be based on reasonable criteria. The facts to be considered as a reasonable criteria are the wages which the workman was getting at the time of the termination, one month wages in lieu of notices, lawful terminal dues, interest thereon, length of service, depreciation in the money, inflation and index cost factor.

There is a diversion trend of the service jurisprudence as established by different case laws of Hon'ble the Supreme Court and High Courts. The present trend is that the services of the workman should not be reinstated casually. There should be some reasons behind the order for reinstatement of the services of the workman. Out of five files, I am considering one file which has the specific reason for passing the order of reinstatement of the workman in to the services. In rest of the files, I am of the view that a reasonable compensation will meets the end of justice. There is sufficient reason to differentiate one case then other four. In Rashpal Singh's case the seniority list of temporary workman was maintained by the management. The seniority list maintained by the management consisted

the name of 12 persons. The name of workman Shri Rashpal Singh figured at Serial No. 9. It is not specifically denied by the witness of the management that seniority list was not maintained by the bank. He just shows his ignorance and as I have earlier stated that ignorance about the fact which is alleged by the workman cannot help the management. As per the statement of workman he was at Serial No. 1 of the branch level list and at Serial No.9 in region level list. He has also stated that all the 10 persons whose name figured in the list were given the temporary status and thereafter their services were regularized but no heed was given by the management on his request. His services were illegally terminated. This issue that other 10 persons, were conferred the temporary status and their services were regularized, thereafter has not specifically denied by the witness of the management. Again the witness has shown his ignorance which will not help the management. In absentia of specific denial the statement of the workman supported with the cogent evidence (the seniority list) which is not denied has to be accepted as such. Thus, in this case it was gross injustice with the workmen that out of seniority list 10 persons were conferred temporary status and their services were regularized, whereas, services of the workman were illegally terminated. Even the services of his two junior persons were regularized.

The seniority list was maintained by the management as per the rules. The temporary status was conferred and thereafter, their services were regularized as per the procedure. So the law relied by the management and established by Hon'ble the Apex Court in Uma Devi's case (supra) will not help the management. Management has not proved that there was some illegality in maintaining the seniority list, conferring temporary status and thereafter, regularization of the services of those persons whose name figured in the seniority list. In absentia of it, the principle laid down in Uma Devi's case (supra) will not be applicable in the present case.

Thus, Shri Rashpal Singh is a special case where his right to reinstatement should be protected by this Tribunal. The reasons I have mentioned above. Accordingly, the management of respondent is directed to reinstate the services of the workman Shri Rashpal Singh within one month from the date of publication of award and thereafter, to treat the workman in the same way as other persons out of the seniority list were treated. As the workman has opted to raise the industrial dispute very late so he will be entitled for the back wages only from the date he raise the industrial dispute but his seniority will be protected. Management is also directed to pay the back wages from the date of raising the industrial dispute within one month from the date of publication of this award.

So far as other four workmen are concern, the management has specifically mentioned that no post is available and no work is left behind for the workman. It has also been alleged by the management that it has initiated VRS scheme. Number of class-IV employees have opted for this scheme. Instead of it, the staff is in surplus. It is not

the case of any of the four workmen that any junior to them is still working with the bank. Thus, they are entitled for a reasonable compensation. On the issue of determination of compensation, I have already mentioned the facts which should be considered while granting the reasonable compensation. Thus, after considering the above facts and length of services, the workmen have served with the department, I am of the view that workman Shri Hari Parshad is entitled for a compensation of Rs. 2,00,000 (Two Lakhs) including the litigation expenses which also includes the litigation expenses he has incurred in pursuing his grievances. Likewise, workman Shri Paramjit Singh is also entitled for Rs. 2,00,000 (Two Lakhs) which he has incurred in pursuing his grievances. Shri Devender Kumar as per the facts and length of services is entitled for an amount of Rs. 1,00,000 (One Lakh) which also includes the litigation expenses he has incurred in pursuing his grievances. Likewise Ghanshyam Singh is entitled for a compensation of Rs. 1,00,000 (one lakh) which also includes the litigation expenses he has incurred in pursuing his grievances. Thus, on the basis of the above, I am mentioning the operative part of this award as follows:—

(1) On the basis of the reason mentioned in the body of this award, the management is directed to reinstate the services of Shri Rashpal and to pay him the back wages from the date of raising the industrial dispute within one month from the date of publication of the award. The management is further directed to treat the workman after reinstatement in the same way as rest 10 persons have been treated of the seniority list in which the name of workman Shri Rashpal figured at serial No. 9. The seniority of the workman Shri Rashpal shall also be protected.

(2) On the basis of the reasons mentioned in the body of this award, Shri Hari Parshad and Shri Paramjit Singh will be entitled for an amount of compensation of Rs. 2,00,000 each (two lakhs each) which also includes the litigation expenses which they have incurred in pursuing their grievances. The management of respondent is directed to pay this amount within one month from the date of publication of this award.

(3) On the basis of the reason mentioned in the body of this award, the workman Shri Devender Kumar and Ghanshyam Singh are entitled for a compensation of Rs. 1,00,000 each (one lakh each) which also includes the litigation expenses which they have incurred in pursuing their grievances.

Accordingly, the management is directed to pay/deposited the above mentioned compensation within one month from the date of publication of the award. If the management pays/deposits the amount within one month from the date of publication of the award, no interest need

to be paid, failing which the workman will also be entitled for an interest at the rate of 8 per cent per annum on the amount of compensation from the date of filing the statement of claim till final payment. Accordingly, all references are answered. Let Central Government be approached for publication of award, and thereafter, file be consigned to record room.

Chandigarh

G. K. SHARMA, Presiding Officer

नई दिल्ली, 8 अप्रैल, 2010

का. आ. 1154.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स बी.सी.सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय सं.-1, धनबाद के पंचाट (संदर्भ संख्या 106/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-4-2010 को प्राप्त हुआ था।

[सं. एल-20012/344/93-आई आर(सी-1)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 8th April, 2010

S. O. 1154.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 106/2000) of the Central Government Industrial Tribunal/Labour Court No.-1, Dhanbad now as shown in the annexure in the Industrial Dispute between the employers in the relation to the management of M/s. B.C.C.L. and their workman, which was received by the Central Government on 8-04-2010.

[No. L-20012/344/93-IR(C-1)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO.1, DHANBAD**

**In the matter of a reference U/s.10(1)(d)(2A) of the
Industrial Disputes Act, 1947**

Reference No. 106 of 2000

Parties : Employers in relation to the management of Moonidih Area of M/s. BCCL.

AND

Their workman

Present : Shri H. M. Singh, Presiding Officer

APPEARANCES

For the Employers : Shri D.K. Verma, Advocate.

For the Workman : None

State : Jharkhand : Industry : Coal

Dated, the 22nd March, 2010

AWARD

By Order No.L-20012/49/2008-IR(C-I) dated 8-2-2000 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal:

" Whether the demand of Union that Shri Nirantar Singh & 34 others workman as per the list should be created as regular workmen of Moonidih Area of M/s. BCCL and they should be entitled for consequential benefits is legal & justified? If so, what relief the workman concerned are entitled and from what date?"

2. The reference was received in this Tribunal on 23-2-2000. But after notice being served to the Parties by speed post neither the sponsoring union nor the concerned appeared till 1-10-2009 to file written statement before this Tribunal. This is the case of year 2000. It seems that neither the concerned workman nor the sponsoring union are interested to contest the case.

In such circumstances, I render a 'No Dispute' Award in the present industrial dispute.

H. M. SINGH, Presiding Officer

नई दिल्ली, 8 अप्रैल, 2010

का. आ. 1155.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) को धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स टाटा स्टील लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय सं.-1, धनबाद के पंचाट (संदर्भ संख्या 2/10) को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-4-2010 को प्राप्त हुआ था।

[सं. एल-20012/49/2008-आई आर(सी-1)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 8th April, 2010

S. O. 1155.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 2/10 of 2009) of the Cent. Govt. Indus. Tribunal-cum-Labour Court No.-1, Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Tata Steel Ltd. and their workman, which was received by the Central Government on 8-04-2010.

[No. L-20012/49/2008-IR(C-I)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. 1,
DHANBAD**

**In the matter of a reference U/s.10(1)(d)(2A) of the
Industrial Disputes Act, 1947.**

Reference No. 2 of 2010

Parties : Employers in relation to the management of Sijua Colliery of M/s. Tata Steel Ltd.

AND

Their workmen

Present : Shri H. M. Singh, Presiding Officer

APPEARANCES

For the Employers : Shri D.K. Verma, Advocate

For the Workman : Shri N.G. Arun, Treasurer,
Rashtriya Colliery Mazdoor
Sangh

State : Jharkhand : Industry : Coal

Dated, the 26th March, 2010

AWARD

By Order No. L-20012/49/93-IR(CM-I) dated 15-12-2009 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal:

"Whether the action of management of Sijua Colliery of M/s. TATA Steel Ltd. in not providing dependednt employment to Shri Uma Shankar Rabidas, S/o Lt. Jadu Nadan Rabidas, Trammer, is justified and legal ? (ii) To what relief is the dependent son of the concerned deceased employee entitled?"

2. On 21-1-2010 the concerned dependent son of Lt. Jadu Nadan Rabidas filed a petition before this Tribunal starting therein that M/s. Tata Steel Ltd. Vide letter dated 12-12-2009 agreed to provide employment to him according to the conditions mentioned in the said letter. Shri N. G. Arun, Treasurer of the sponsoring union has not raised any objection.

3. Since the management is ready to provide employment to the dependent son of Lt. Jadu Nadan Rabidas, I pass a 'No Dispute' Award in the present reference case.

H. M. SINGH, Presiding Officer

नई दिल्ली, 8 अप्रैल, 2010

का. आ. 1156.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स बी. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय सं.-1, धनबाद के पंचाट (संदर्भ संख्या 91/96) को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-4-2010 को प्राप्त हुआ था।

[सं. एल-20012/462/93-आई आर(सी-1)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 8th April, 2010

S. O. 1156.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 91/96) of the Central Government Industrial Tribunal-cum-Labour Court No-I, Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s B.C.C.L., and their workman, which was received by the Central Government on 8-4-2010.

[F. No. L-20012/462/93-IR(C-I)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO-1, DHANBAD

PRESENT

Shri H.M. Singh, Presiding Officer,
In the matter of an Industrial Dispute under Section 10
(1)(d) of the I.D. Act., 1947.

Reference No.91 of 1996

Parties: Employers in relation to the
management of Bharat Coking
Coal Ltd., Koyla Bhawan,
Dhanbad and their workman.

APPEARANCES

On behalf of the Workman : Mr. D. Mukherjee,
Advocate.
On behalf of the employers : Mr. D.K. Verma,
Advocate.
State : Jharkhand
Industry : Coal.

Dated, Dhanbad, the 22-3-2010

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of

the I.D. Act., 1947 has referred the following dispute to this Tribunal for adjudication vide their order No. L-20012/462/93-I.R. (C-I), dated, the 1st October 1996.

SCHEDULE

“ Whether the demand of the Union for revision of the date of birth of Shri Tapan Chatterjee, Driver by the Management of M/s. BCCL is justified? If so to what relief is the said workman entitled?”

2. The case of the concerned workman as disclosed in the written statement submitted by the Union is that the concerned workman Shri Tapan Chatterjee, Driver is the permanent employee of the Central Pool of the management of M/s. BCCL. His actual date of birth is recorded as 8th February, 1954 in the Admit Card issued by the West Bengal Board of Education as well as per C.M.P.F. record. For correction of his date of birth he made several representations before the management but the management failed to give any reply or no correction has been made regarding the actual age/date of birth of the concerned workman as recorded in the admit card and the C.M.P.F. records. It has been stated by the concerned workman that management after long process issued a letter vide letter No. BCCL/PA-I SC1/Tapan Chatterjee 15417 dated 28-10-1992/30-10-1992 stating his date of birth as 8th February, 1994.

3. It has been alleged by the concerned workman that the above date of birth recorded in the recruitment register is quite false, fabricated and there is no legal evidence to support the case of the management. Moreover, the management is very much adamant for not taking proper action and taking law into their own hands. Thereafter the Union of the concerned workman raised an Industrial Dispute before the ALC (C) Dhanbad and on failure of the conciliation the ALC (C), Dhanbad referred the case for adjudication to the Ministry of Labour. But the Desk Officer refused to refer the matter for adjudication by the Tribunal. On receipt of the Ministry's letter the concerned workman filed a write petition before the Hon'ble High Court of judicature at Patna, Ranchi Bench vide C.W.J.C. No. 1290 which was allowed, and as per order of the Hon'ble High Court the Govt. of India, Ministry of Labour, has referred the matter for adjudication before the CGIT No. 1, Dhanbad.

4. It has been stated by the workman that the management has also admitted and identified in F.I.C Form that the date of Birth of the concerned workman is 8th February, 1954 and not as 8th Feb., 1944. The Admit card issued by the West Bengal Board of Education and the C.M.P.F. A/c. is the most authenticate documents which was never challenged by the management at any point of time. There is no other documentary evidence except this documents. It has been stated by the workman that clause A(ii) of the said implementation instruction for the

procedure for determination/verification of age of the employee for Non-Matriculation but educated is as follows:

"In case of the appointees, who have pursued studies in a recognised educational institution the date of birth recorded in the School Leaving Certificate shall be treated as correct date of birth and the same should not be altered in any circumstances."

It has been further stated that clause (B) of the said implementation instruction provides review/determination of date of birth in respect of existing employee only when there is a very glaring and apparent wrong entry brought to the notice of the management. The Admit Card issued by the West Bengal Board of Secondary Education should be treated as correct and the date of birth of the workman, Shri Tapan Chatterjee be recorded as 8-2-1954. Accordingly prayer has been made to pass an Award holding the demand of the concerned workman for revision of his date of birth as justified.

5. In the written Statement filed by the management it has been stated that the reference is not maintainable in law as well as in fact. They have also stated that the demand of the concerned workman is not justified. They have further stated in their Written Statement that the demand by the Union for the revision of date of birth of Shri Tapan Chatterjee, Driver is entirely improper, thoroughly illegal and has been enshrined with an intention to dupe the management for achieving improper gains which is not possible in normal course. It has been stated by the management that the date of birth of the concerned workman Shri Tapan Chatterjee, a Car Driver made available by the workman himself and entered into the Management's Recruitment Register at the time of his recruitment in April, 1975 is 8-2-1944. The concerned workman Shri Tapan Chatterjee made representation before the management to revise his date of birth from 8-2-1944 to 8-2-1954 with a malafied intention to make his over-stay by 10 years in the service of the management with a purported plea of his alleged duplicate Admit Card for taking up his School Final Examination that was to commence from 5th March, 1975 under the West Bengal Board of Secondary Education, maintaining that in the said Admit card his date of birth was mentioned as 8-2-1954. The duplicate Admit Card is in the name of Shri Tapan Kumar Chattopadhyaya and not in the name of Shri Tapan Kumar Chatterjee.

6. It has been stated by the management that the date of birth of Shri Tapan Chatterjee as per the Recruitment Register, made available to the management by Shri Tapan Chatterjee himself at the time of recruitment, is 8-2-1944 and not 8-2-1954. He was recruited Driver in the BCCL's Koyala Bhawan at Central Pool, and he had obtained his driving licence on 30-8-66 after attaining the age of 18 years. If the workman's or for that matter the Union's version be taken as correct that Shri Tapan Chatterjee was born on 8-2-54, then how he obtained his driving licence merely at the age of 12 years. As per Motor Vehicle Act and rules

only a person attaining the age of majority that is 18 years, become entitled to procure driving licence if he is otherwise competent also.

7. It has been stated by the management in their written statement that with his driving licence issued to him on 30-8-66, it become clear beyond doubt that on 30-8-66 the workman Shri Tapan Chatterjee was of more than 18 years and that the proof of Admit Card of West Bengal of Secondary Education is of no help by which on 30-8-66 the concerned workman is around 12 years only since the same would have been made available to the West Bengal of Secondary Education by Shri Tapan Chatterjee himself. According to the management the Admit Card of the WBBSE dates back to the examination of March, 1975 prior to the recruitment of the concerned workman in the company, then the concerned workman Shri Tapan Chatterjee is guilty of fraudulently procuring employment in the management of the BCCL by deliberately and intentionally providing wrong and incorrect information for gains amounting to serious misconduct discount on his part and has thus rendered himself liable for disciplinary action, of which the punishment may go even to his dismissal.

8. It is the further case of the management that on 16-12-87 the concerned workman submitted an application to the Sr. Personal Officer, Koyala Bhawan, BCCL stating that he had no Identity Card as he had not been given any Identity Card. Thereafter on 13-1-88, he lodged a Sanha (Entry) with the Officer-In-Charge of the Seradhella Police Station stating that on 11-12-87 while he was coming from Barakar by train, his Identity Card No. 124837 had been lost. This episode goes to prove that he was having the Identity Card issued to him earlier but was deliberately and intentionally giving false information to the management for obtaining the same, and, thus has again rendered himself liable for disciplinary action. In the L.T.C. Bill he deliberately and willfully inserted his date of birth as 8-2-54 which was however, corrected to 8-2-44 by the dealing clerk of the Personal Department of the Koyala Bhawan with his signature and then the LTC bill was passed. Thus the concerned workman showed his guilty intention by way of managing to get a photo copy of the bill during transit when the same was being sent to Personal department for comments. In this case also the workman concerned committed grave misconduct and, rendered himself liable for disciplinary action under the certified standing orders of the management. In view of the above facts the management have prayed to pass an Award rejecting the claim of the Union for revision of the date of birth of the concerned workman Shri Tapan Chatterjee, Driver, by the management of M/s. BCCL.

9. Both the parties have filed their respective rejoinders admitting and denying the contents of some of the paras of each other's Written Statement.

"Whether the demand of Jagdish Datt Sharma and three other workmen, (as per list enclosed) from the management of Air India Ltd. for their reinstatement

into service and regularization is justified? If so to what relief are the workmen entitled and from what date?"

4. Claim statement was filed by the claimants pleading therein that the alongwith others (about 80 persons) were supplied as contract labour by the contractors to the management in the year 1994 for cleaning, sweeping and dusting work. Supply of contract labour was absolutely illegal, since neither the management had any registration for employment of contract labour nor the contractor had any valid license under the Contract Labour Act. The Contract for supply of manpower, awarded by the management to the contractor for cleaning, sweeping and dusting work, by necessary implication includes supervision work also. The claimants were designated as supervisor for upkeep of better hygiene in the establishment. Claimants were never employed in the establishment of the management in any administrative, managerial or supervisory capacity. In view of the decision of the Apex Court the management had regularized services of all contract labours, supplied by the contractor. However, they were left in an illegal and arbitrary manner. Their services were not regularized by the management. On the other hand, their services were terminated on 1-4-97 in an illegal, arbitrary and unjustifiable manner. The management is engaged in air transport industry and an industrial establishment, within the meaning of clause (e) of Section 2 of Industrial Employment (Standing Orders) Act, 1946. The contract between the management and the contractor was sham and bogus, made with a mala fide intention to avoid any liability under the Industrial Disputes Act, 1947 (in short the Act). The management being a principal employer qua the claimants had employed them in their establishment. Termination of services of the claimants amounted to retrenchment within the meaning of clause (oo) of Section 2 of the Act. There were statutory obligations on the management, as prescribed by Section 25-F of the Act, which were not complied with. Termination of their services is, therefore, void ab initio. They claim reinstatement in services with continuity and full back wages, besides regularization of their services, in pursuance of law laid by the Apex Court in the aforesaid precedents.

5. Contest was given to the claim by the management pleading that the claim has not been properly espoused by any registered trade union nor by substantial number of the workmen of the establishment of the management. It has been pleaded that the claimants were employed as supervisors by the contractor and their duties were to supervise functions of the employees, who were performing job of cleaning and sweeping. Main functions of the claimants were as follows:

- (a) deployment of manpower provided by the contractor for various sweeping and cleaning jobs, based on the exigencies of requirements.

- (b) to obtain from the contractor and employees amongst sweepers and cleaners the material used for sweeping and cleaning from time to time
- (c) to allocate duties to sweepers and cleaners
- (d) to take daily attendance and maintain attendance records in respect of sweepers and cleaners
- (e) settling and sorting out grievances of labour work
- (f) to supervise the work carried out by sweepers and cleaners to ensure cleanliness and hygiene
- (g) to assist the contractor in payment of wages and other allowances to labour workers working under the Claimants
- (h) liaison with the Contractor for passing on all grievances/complaint of any department/section of the contractor.
- (i) To keep track of leave and absence of all workers and ensure alternate arrangements for getting jobs done without fail

6. Claimants were supervisors and drawing salary more than Rs. 1870/- PM. As such they were not workmen within the meaning of clause (s) of Section 2 of the Act. Their claim is not maintainable on that count too. The management attacks the claim statement pleading that legal and valid contract for cleaning and sweeping was awarded to the contractor, after following the procedure. Notification dated 9-12-76 was upheld by the Apex Court in the matter of Air India Statutory Corporation (supra). In its judgement dated 12-9-96, in pursuance of the said judgement, the management had regularized services of contract labours engaged in sweeping and cleaning. Since the claimants were supervisors, not covered within the ambit of the precedent of the Apex Court, hence their services were not regularized. Aggrieved by the act of the management, they preferred Civil Writ petitions Nos. 2052 of 1997 and 2221 of 1998 before High Court of Delhi. Pending adjudication of those writ petitions, the Apex Court overruled its precedent in Air India Statutory Corporation (supra) and not only quashed the notification dated 9-12-76 but also announced that prohibition of contract labour in an activity cannot lead to automatic absorption of the contract labour. Following that precedent, High Court of Delhi disposed of the writ petitions. The order dated 20-11-2004. The claimants filed claim statement before the Conciliation Officer and when conciliation proceedings failed, a failure report was submitted. The appropriate Government took a decision not to refer the dispute for adjudication. Again a claim was raised about multiple issues before the Conciliation Officer, when conciliation proceedings failed. Appropriate Government opted not to refer the dispute, which decision was assailed before High Court of Delhi. On direction of the High Court

of Delhi the present dispute was referred for adjudication.

7. The management pleads that it was duly registered under the Contract Labour Act and the contractor was having a valid license under the said Act. Claimants themselves admit they were engaged as supervisor through the contractor. As such their case is different than the case of the employees engaged for cleaning and sweeping. When contract expired on 31-3-97, the contractor had withdrawn services of the claimant, who were performing supervisory functions. There was refusal of work to the claimants w.e.f. 1-4-97. It cannot be said that the services of the claimants were retrenched, that too in violation of the provisions of Section 25-F of the Act. Their claim is devoid of merits and liable to be dismissed.

8. Jagesh Dutt Sharma (WW1), Salim (WW2), Meharuddin Khan (WW3) and Yamin Khan (WW4) have examined themselves in support of their claim. Shri G.S. Khalsa was examined by the management in support of its defence. No other witness was examined by either of the parties.

9. Shri S.P.Sharma, authorised representative, advanced arguments on behalf of the claimants. Shri V.P.Gaur, authorised representative, raised his submission on behalf of the management. I have given my careful considerations to the arguments advanced at the bar and cautiously perused the record. My findings on issues involved in the controversy are as follows:

10. In their claim statement, the claimants project that cleaning, sweeping and dusting work is inclusive of supervision work of employees doing those jobs. They admit that they were designated as "supervision" for upkeep of better hygiene in the establishment and as an internal arrangement division of work was done for better performance and execution of the work relating to cleaning, sweeping and dusting. Therefore, out of these facts, the claimants plead that work of cleaning, sweeping and dusting was awarded to the contractor, who had employed services of various persons to carryout that job. The contractor had employed them as "supervisor" to ensure better performance and execution of the work of cleaning, sweeping and dusting in the establishment of the management. Therefore, it is evident that the claimants project a case that they were supervising the persons, who were carrying out cleaning, sweeping and dusting job.

11. Jagesh Dutt Sharma deposed that he joined services through the contractor. He used to mark his attendance in a register kept by the contractor. He was serving the management as a sweeper. His services, along with three others, were terminated on 1-4-97. No termination letter was issued to him. No notice or pay in lieu thereof was given. No reasons were assigned for

termination of his service. He was getting a sum of Rs.1500-1600 PM as his wages. Therefore, facts projected by Jagesh Dutt Sharma, highlight that he had improved facts and tried to assert that he was serving as a sweeper.

12. Salim deposed that he joined his services with the management through the contractor on 1-8-94. He joined as a sweeper. More than 70 persons joined services alongwith him. He used to perform the very work, which was performed by those 70 persons. He used to send his attendance to the contractor. He was paid probably at the rate of Rs.1400 PM. Contractor used to mark his attendance. His services were terminated by the Personal Manager of the management on 31-3-97. No notice or pay in lieu thereof, besides retrenchment compensation was paid to him. As emerged over the record, Salim had also twisted facts and claimed that he used to work as a sweeper. Theory of supervision of work of sweepers had been discarded by him.

13. Meharuddin Khan also claimed that he joined services of the management as a sweeper in 1994. There were 75 other workmen who joined services of the management alongwith him. They were doing job of sweeping. No appointment letter was issued to him. No letter was issued to him when his services were terminated. No reasons were assigned for termination of his job. No notice or pay in lieu thereof was given to him. No retrenchment compensation was paid to him. This witness had also fabricated a story of being employed as sweeper with the management. It is evident that with an ulterior motive he had tried to depose convenient facts.

14. Yamin Khan deposed in the same vein. He testified that he joined services with the management through the contractor on 1.8.94. He was doing job of a sweeper. He worked continuously till 31-3-97. At the time of termination of his services, no notice or pay in lieu thereof was given to him. He was not paid retrenchment compensation. Out of 70-75 workmen, services of the claimants only were dispensed with. As detailed above, he has given wings to truth and made it to fly away. He deposed facts, which were contrary to those pleaded in the claim statement.

15. Shri G.S.Khalsa presents that the Apex Court in Air India Statutory Corporation's case upheld notification dated 9-12-76 issued by the Government of India and declared an automatic absorption of contract labour employed in the field of cleaning, sweeping, watch and ward services in the services of the principal employer. In pursuance of the said judgement the management regularized services of the contract labours engaged in sweeping and cleaning areas as on 6-12-96. Supervisors were not covered within the ambit of orders passed by the Apex Court. Therefore services of the claimants were not regularized. During the course of his cross examination he admits that Jagesh Dutt Sharma, Salim, Yamin Khan and Meharuddin Khan were amongst those 75 persons, who were supplied by the

however by doing so the establishment and for better performance and execution of the work. Consequently, it is clear even in the judgments themselves dispute that they were workers as supervisors and not as sweepers. As supervisors the claimants were not doing job of sweeping and cleaning. They were supervising, manpower, distributing materials amongst the sweepers, used to allocate duties to sweepers, take the daily attendance, settle their grievances, supervise the work carried out by them, assist the contractor in payment of their wages, keep track of leaves and absence and liaise with the contractor for settling the grievance of sweepers. Hence they were rightly categorised persons of different category than the sweepers, whose services were regularized by the management, impursuance of the directions given by the Apex Court in *Air India Statutory Corporation's case* (supra). Classification made by the management was based as intelligent differential and is not violation of the fundamental right. When claimants were not covered within the ambit of the precedent laid down by the Apex Court, their services were rightly not regularized. Their claim is liable to be rejected on that count.

20. As pleaded and deposed by the claimant, they were supplied as contract labour by the contractor to the management in the year 1984 for cleaning, sweeping and dusting job. It is not their case that they were engaged by the management in accordance with rules. Their engagement was in transgression of rules of regular recruitment. Rules of recruitment can not be relaxed to accommodate the claimants. Regularisation of services of the claimants cannot be ordered, since it would amount to back door entry in the Government job.

21. In *Uma Devi* [2006 (4) SCC 1] the Apex Court referred the proposition as to whether the persons who got employment, without following of a regular procedure or even from the back door or on daily wages can be ordered to be made permanent in their posts, to prevent regular recruitment to the posts concerned. Catena of decisions over the subject were considered and the Court declined the submissions of the workmen to be made permanent on the posts which were held by them in temporary or ad-hoc appointment for a fairly long spell. The Court ruled thus:

"With respect, why should the State be allowed to depart from the normal rule and indulge in temporary employment in permanent posts? This Court, in our view, is bound to insist on the State making regular and proper recruitments, and is bound not to encourage or shut its eyes to the persistent transgression of the rules of regular recruitment. The direction to make permanent—the distinction between regularization and making permanent was not emphasized here can only encourage the State, the model employer to flout its own rules and would confer undue benefits on a few at the cost of many waiting to compete. With respect the directions made in *Piara Singh* [1992 (4) SCC 118] is to some extent inconsistent with the

conclusion in para 45 of the said judgement therein. With great respect, it appears to us that the last of the directions clearly runs counter to the constitutional scheme of employment recognized in the earlier part of the decision. Really, it cannot be said that this decision has laid down the law that all ad-hoc, temporary or casual employees engaged without following a regular recruitment procedure should be made permanent."

22. Taking note of some of recent decisions, the Apex Court held that the State does not enjoy a power to make appointments in terms of Article 162 of the Constitution. The Court quoted its decision in *Girish Chandra Lal Vaghela* [2006 (2) SCC 482] with approval, wherein it was ruled thus: "The appointment to any post under the State can only be made after a proper advertisement has been made inviting applications from eligible candidates and holding of a selection by a body of experts or a specially constituted committee, whose members are fair and impartial, through a written examination or interview or some other rational criteria for judging the inter se merit of candidates, who have applied in response to the advertisement made. A regular appointment to the post under the State or Union cannot be made without issuing advertisement in the prescribed manner which may in some cases include inviting applications from the employment exchange, where eligible candidate get their names registered. Any regular appointment made on a post under the State or Union without issuing a advertisement inviting applications from eligible candidates and without holding a proper selection where all eligible candidates get a fair chance to compete would violate the guarantee enshrined under Article 16 of the Constitution".

23. In *P Chandra Shekhara Rao and Others* [2006 (7) SCC 488] the Apex Court referred *Uma Devi's case* (supra) with approval. It also relied the decision in *Uma Rani* [2004 (7) SCC 112] and ruled that no regularization is permissible in exercise of statutory powers conferred in Article 162 of the Constitution, if the appointments have been made in contravention of the statutory rules. In *Somveer Singh* [2006 (5) SCC 493] the Apex Court ruled that appointment made without following due procedure cannot be regularized. In *Indian Drugs & Pharmaceuticals Ltd.* [2007 (1) SCC 408] the Apex Court reiterated the law and announced that the rules of recruitment can not be relaxed and court can not direct regularization of temporary employees dehors the rules, nor can it direct continuation of service of a temporary employee (whether called a casual, ad-hoc or daily rated employee) or payment of regular salaries to them.

24. In *Uma Devi* (supra) it was laid that when a person enters a temporary employment or get engagement as contractual or casual worker and the engagement is not based on a proper selection as recognized by the relevant rules or procedure, he is aware of the consequence of the

appointment being temporary, casual or contractual in nature. Such a person cannot invoke the theory of legitimate expectation for being confirmed for the post when an appointment to the post could be made only by following a proper procedure or selection in any concerned cases, in consultation with the public service commission. Therefore, the theory of legitimate expectation cannot be successfully advanced by temporary, contractual or casual employees. It cannot also be held that the State held out any promise while engaging these persons either to continue them where they are or to make them permanent. The State cannot constitutionally make such a promise. It is also obvious that the theory cannot be invoked to seek relief of being made permanent in the post. In view of those precedent neither continuance nor regularisation of services of the claimants can be ordered.

25. A dispute was raised by the claimants before the Conciliation Officer. Question for consideration comes as to whether it was an industrial dispute. For an answer to this proposition one has to see the definition of "industrial dispute." Clause (k) of section 2 of Industrial Disputes Act, 1947 (in short the Act), defines industrial disputes, which definition is extracted thus:—

"Industrial dispute" means any dispute or difference between employers and employees, or between employers and workmen, or between workmen and workmen, which is connected with the employment or non-employment or the terms of employment or with the conditions of labour, of any person;"

The definition of "Industrial dispute" referred above, can be divided into four parts, viz. (i) factum of dispute, (2) parties to the dispute, viz. (a) employers and employees, (b) employer and workmen, or (c) workmen and workmen, (3) subject matter of the dispute, which should be connected with— (i) employment or non employment, or (ii) terms of employment, or (iii) condition of labour of any person, and (4) it should relate to an "industry".

26. The definition of "industrial dispute" is worded in very wide terms and unless they are narrowed by the meaning given to word "workman" it would seem to include all "employers", all "employments" all "workmen", whatever the nature or scope of the employment may be. Therefore, except in the case where there can be a dispute between the employers and employees and workmen and workmen, one of the parties to an industrial dispute must be an employee or a class of employees. The first point, therefore, to be noted, perhaps self evident, is that the phrase "employer and workmen", the plural may include singular on either side or any permutation of singular or plural, the masculine including the feminine. In order, therefore, to determine as to whether a controversy or difference or a dispute is an 'an industrial dispute' or not, it must first be determined whether the workman concerned or workmen

sponsoring his cause is within the conditions of clause (k) of section 2 of the Act.

27. Clause (k) of section 2 of the Act defines the workman as follows.

"Workman" means any person (including an apprentice) employed in any industry to do any manual, unskilled, skilled, technical, operational, clerical or supervisory work for hire or reward, whether the terms of employment be express or implied, and for the purposes of any proceedings under this Act in relation to an industrial dispute includes any such person who has been dismissed, discharged or retrenched in connection with, or as a consequence of, that dispute, or whose dismissal, discharge or retrenchment has led to that dispute, but does not include any such person

(i) who is subject to the Air Force Act, 1950 (45 of 1950), or the Army Act 1950 (10 of 1950) or the Navy Act, 1917 (62 of 1917), or

(ii) who is employed in the police service or as an officer or other employee of a police force

(iii) who is employed mainly in a managerial or administrative capacity, or

(iv) who, being employed in a supervisory capacity, draws wages exceeding one thousand six hundred rupees per mensem or exercises (either by the nature of the duties attached to the office or by reason of the powers vested in him, functions mainly of a managerial nature.

28. The first part of the definition gives the primary meaning of the workman. This part of the definition determines a workman by reference to a person (including an apprentice) employed in an "industry" to do any manual, unskilled, skilled, technical, operational, clerical or supervisory work for hire or reward. This part determines what a "workman" means. The second part is designed to include something more in what the term primarily denotes. By this part of the definition, person (i) who have been dismissed, discharged or retrenched in connection with an industrial dispute, or (ii) whose dismissal, discharge or retrenchment has led to an industrial dispute, for the purposes of any proceedings under the Act in relation to such industrial dispute, have been included in the definition of "workman". This part gives extended connotation to the expression "workman". The third part specifically excludes the categories of persons specified in clauses (i) to (iv) of this sub-section. The third part connotes that even if a person satisfies the requirements of any of the first two parts but if he fails in any of the four categories in the third part, he shall be excluded from the definition of 'workman'. Not only the persons who are actually employed

in an industry but also those who have been discharged, dismissed or retrenched in connection with or as a consequence of an industrial dispute, and whose dismissal, discharge or retrenchment has lead to that dispute, would fall within the ambit of the definition. In other words, the second category of persons included in the definition would fall in the ambit of the definition, only for the purpose of any proceedings under the Act in relation to an industrial dispute and for no other purposes. Therefore, date of reference is relevant and in case a person falls within the definition of workman on that day, the Tribunal would be vested with jurisdiction to entertain it and the jurisdiction would not cease merely because subsequently the workman ceases to be workman.

29. For an existing or apprehended industrial dispute it must be between an employer and the workman. Clause (d) of sub section (1) of section 10 of the Act empowers the appropriate Government to refer the dispute or any matter appearing to be connected with or relevant to the dispute whether it relates to any matter specified in the second schedule or third schedule to a Tribunal for adjudication. Except the disputes, as specified in section 2 A of the Act, a dispute shall not acquire the character of an "industrial dispute" unless it is espoused by a union recognized by the establishment of the management or majority of the workers, employed in that establishment of the management. However, it is not necessary that the sponsoring union is a registered trade union or a recognized trade union. Once it is shown that a body of substantial number of workmen either acting through a union or otherwise had sponsored the workman's cause, it is sufficient to convert it into an industrial dispute. In *Pardeep Lamp Works* (1970 (1) LLJ 507) complaints relating to dispute of ten workmen were filed before the Conciliation Officer by the individual workmen themselves. But their case was subsequently taken up by a new union formed by a large number of co workmen, if not a majority of them. Since this union was not registered or recognized, the workmen elected five representatives to prosecute the cases of ten dismissed workmen. Thus cases of the dismissed workmen were espoused by the new union, yet unregistered and unrecognized. The Apex Court held that the fact that these disputes were not taken up by a registered or recognized union does not mean that they were not "industrial dispute".

30. It is not expedient that same union should remain in-charge of that dispute till its adjudication. The dispute may be espoused by the workmen of an establishment, through a particular union for making such a dispute an "industrial dispute", while the workman may be represented before the Tribunal for the purpose of section 36 of the Act by a number of executive or office bearer of altogether another union. The crux of the matter is that the dispute should be a dispute between the employer and his workmen. It is not necessary that the dispute must be espoused or conducted only by a registered trade union. Even if a trade

union ceases to be registered trade union during the continuance of the adjudication proceedings that would not affect the maintainability of the order of reference. Law to this effect was laid by the High Court of Orissa in *Gammion India Limited* (1974 (II) LLJ 34). For ascertaining as to whether an individual dispute has acquired character of an individual dispute, the test is whether on the date of the reference the dispute was taken up as supported by the union of the workmen of the employer against whom the dispute is raised by the individual workman or by an appreciable number of the workman. In other words, the validity of the reference of an industrial dispute must be judged on the facts as they stood on the date of the reference and not necessarily on the date when the cause occurs. Reference can be made to a precedent in *Western India Match Co. Ltd.* (1970 (II) LLJ 236).

31. No evidence has been brought over the record by the claimants that the dispute under consideration was espoused by a union of the establishment of the management. An industrial dispute is to be supported by the majority of the workmen of the establishment, when it is not espoused by a union. Not even an iota of fact has been brought over the record that the dispute was espoused by the union of the establishment or it was supported by the majority of the workers of the establishment of the management. Even otherwise, as projected by the claimants and established by Shri Khalsa through his testimony, the claimants were working as supervisors, who used to supervise work and conduct of sweepers. They were drawing wages at the rate of Rs. 1370 per month. There is no denial on the part of the claimants that their functions were mainly of supervisory in nature. They fall in a category which is excluded from the ambit of "workman", as defined by clause (a) of Section 2 of the Act. Hence it can not be said that it was a dispute between employer and workmen, to answer the definition of an industrial dispute.

32. Shri Khalsa swears that on 31-3-97 contract between the management and the contractor came to an end. Services of the contractor were withdrawn by the management. When services of the contractor were withdrawn, claimants were disengaged by the contractor on 1-4-97. In such a situation the claimants cannot agitate that their services were dispensed with by the management. To prove that their services were retrenched by the management, the claimant is under an obligation to establish that it fall within the ambit of clause (oo) of section 2 of the Act, which is reproduced thus:

(oo) "retrenchment" means the termination by the employer of the service of a workman for any reason whatsoever, otherwise than as a punishment inflicted by way of disciplinary action but does not include:

- (a) Voluntary retirement of the workman; or
- (b) Retirement of the workman on reaching the age of superannuation if the contract of

employment between the employer and the workman concerned contains a stipulation in that behalf; or

(bb) termination of the service of the workman as a result of the non-renewal of the contract of employment between the employer and the workman concerned on its expiry or of such contract being terminated under a stipulation in that behalf contained therein; or

(c) Termination of the service of a workman on the ground of continued ill-health;

33. No evidence worth name has been brought over the record that services of the claimants were retrenched by the management. On the other hand it has been established that when contract of supply of manpower between the management and the contractor came to an end, services of the claimants were disengaged on 1-4-97. The disengagement of services of the claimants nowhere answers the ambit of the definition of retrenchment, as contained in clause (oo) of section 2 of the Act. Therefore, disengagement of the claimants does not amount to retrenchment. It was not obligatory on the part of the management or the contractor to give notice or pay in lieu thereof to the claimants. Question of payment of retrenchment compensation also does not arise, since when their services were dispensed with when terms of contract of the contractor came to an end. The claimants are not entitled for reinstatement of their services. Therefore, claim is liable to be dismissed on that score too.

34. The Apex Court was confronted, with a proposition, as to whether automatic absorption of contract labour, working in an establishment of the principal employer, as regular employees follows on issuance of a valid notification under sub-section (1) of Section 10 of the Contract Labour Act, prohibiting contract labour in the establishment concerned, in *Steel Authority of India Limited* (200 L (7) S.C.C. 1). A catena of decisions were considered by the Apex Court and it was laid therein that the contract labours fall in three classes viz, (1) where contract labour is engaged in or in connection with the work of an establishment and employment of contract labour is prohibited either because the industrial adjudicator/court ordered abolition of contract labour or because the appropriate Government issued notification under section 10 (1) of the Contract Labour Act, no automatic absorption of contract labour working in the establishment can be ordered, (2) where contract was found to be a sham and nominal, rather a camouflage, in which case the contract labour working in the establishment of the principal employer is not to be treated as contract labour, but as employees of the principal employer or management. In such cases do not relate to the abolition of contract labour but present instances wherein the court pierces the veil and declare the correct position and as a fact at the stage after

the employment, employment of contract labour stood prohibited, (3) wherein discharge of statutory obligation of maintaining a canteen in an establishment the principal employer availed the services of the contractor, in which situations the courts have held that the contract labour would indeed be employees of the principal employer. The Court ruled that neither Section 10 of the Contract Labour Act nor any other provision in that Act, whether expressly or by necessary implication, provides for automatic absorption of contract labour on issuing a notification by the appropriate Government under sub-section (1) of Section 10, prohibiting employment of contract labour in any process, operation or other work in any establishment. Consequently the principal employer cannot be required to order absorption of the contract labour working in the establishment concerned. It was further ruled therein that in *Saraspur Mills case* (1974 (3) SCC 66), the workman engaged for working in the canteen run by the Co-operative Society for the appellant were the employees of the appellant mills. In *Basti Sugar Mills* (AIR 1964 S.C. 355) a canteen was run in the factory by the Cooperative Society and as such the workers working in the canteen were held to be employees of the establishment. The Apex Court ruled that these cases fall in class (3) mentioned above. Judgment in *Hussain Bhai* (1978 Lab.I.C. 1264), was considered by the Apex Court in the said precedent and it was ruled therein that the said precedent falls in class (2), referred above. The Apex Court concluded that on issuance of prohibitive notification under Section 10 of the Contract Labour Act prohibiting employment of contract labour or otherwise, in an industrial dispute brought before it by the contract labour in regard to conditions of service, the Industrial Adjudicator will have to consider the question whether the contractor has been interposed either on the ground of having undertaken to produce any given result for the establishment or for supply of contract labour for work of the establishment under a genuine contract or is a mere ruse/camouflage to evade compliance of various beneficial legislation so as to deprive the workers of the benefit there under. If the contract is found to be not genuine but a mere camouflage, the so called contract labour will have to be treated as employees of the principal employer, who shall be directed to regularize the services of the contract labour in the establishment concerned, subject to the conditions as may be specified by the industrial adjudicator for that purpose.

35. Here in the case, the management awarded contract to the contractor for supply of contract labour for doing job of cleaning and sweeping. Management was registered under the Factories Act, 1947 and the contractor was having a licence under the Factories Act, 1947. No evidence worth name have been brought over the record by the claimant to show that the said contract was sham and bogus. Therefore, it cannot be concluded that the

claimants were in fact and in reality employees of M/s Air India Ltd. They are not entitled to their reinstatement in the services of the management. The case deserves to be discarded on that count too.

36. The claimants seek their reinstatement and regularization in the services of the management. It is not their case that their services were engaged by the management after following regular procedure for appointment. No evidence is brought over the record by them to show that an advertisement was issued inviting the public at large to compete for the jobs. Reservation policies for granting share to Scheduled Caste and Scheduled Tribes communities were followed, has not been claimed by the claimants. They were neither called upon to take a test and face the interview board. Consequently it is evident that by claiming reinstatement and regularization of their service the claimants want back door entry in the service of the management, which is a State within the meaning of Article 12 of the Constitution. Their claim is found to be not maintainable, as articulated in preceding sections.

37. In view of the foregoing discussions, it is evident that the claimants are not entitled to any relief muchless relief of reinstatement and regularization of their services. Their claim is unfounded, hence dismissed. An award is, accordingly, passed. It be sent to the appropriate Government for publication.

Dated: 12-3-2010 DR. R. K. YADAV, Presiding Officer

नई दिल्ली, 9 अप्रैल, 2010

का. आ. 1158.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इंडियन ओवरसीज बैंक के प्रबंधन के संबंध निर्यातकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, कानपुर के पंचाट (संदर्भ संख्या 31/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-4-2010 को प्राप्त हुआ था।

[सं. एल-12012/259/99-आई आर(बी-II)]

यू. एस. पांडेय, डेस्क अधिकारी

New Delhi, the 9th April, 2010

S. O. 1158.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 31/2000) of the Central Government Industrial Tribunal-cum-Labour Court, Kanpur now as shown in the Annexure in the Industrial Dispute between the management of Indian Overseas Bank, and their workman, which was received by the Central Government on 9-4-2010.

[F. No. L-12012/259/99-IR(B-II)]

U. S. PANDEY, Desk Officer

BEFORE SRI RAM PARKASH, HJS, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, KANPUR

Industrial Dispute No. 31 of 2000
Between

The Secretary,
National Confederation of Bank Employees,
U.P. State, Agra, Unit C/o BOB Sanjay Place Agra.

AND

The Senior Regional Manager, Indian Overseas Bank,
Regional Office,
3rd Floor Navchetna Kendra,
10 Ashiok Marg,
Lucknow.

AWARD

1. Central Government, MOL, New Delhi vide notification No. L-12012/259/99/IR(B-II) dated 31-1-2000, has referred the following dispute for adjudication to this tribunal.
2. Whether the claim of Sri Rajesh Kumar that he was employed by the management of Indian Overseas Bank at RBS College, Agra, branch as a peon / temporary messenger during the period from 1-4-85 to 31-3-93 is correct? And whether the management is justified in terminating / discontinuing him from service with effect from 31-3-93? If not justified, what relief is the disputant Sri Rajesh Kumar entitled to?
3. In the present case after receipt of registered notices from the tribunal both contesting parties have filed their claim and counter claim. The claimant has prayed that the tribunal may hold that the workman was employed by the management of Indian Overseas Bank at RBS College Agra Branch as peon/temporary messenger during the period 1-4-85 to 31-3-93 and further that the action of the management in terminating / discontinuing Sri Rajesh Kumar from service with effect from 31-3-93 is not justified and accordingly he be reinstated in the services of the opposite party with full back wages as also his absorption in permanent service of the bank in terms of Government of India guidelines referred to in the body of the claim statement.
4. As against the above claim of the claimant the opposite party has filed his written reply countering the claim of the claimant on a number of grounds and has prayed that the claim of the applicant be rejected being devoid of merit.
5. Claimant has not adduced any oral or documentary evidence despite giving of several opportunities. Opposite party has filed certain photocopies of payment vouchers as were desired by the claimant

3. संक्षेप में प्रमाणों के आधार पर निम्नलिखित बातें स्पष्ट होती हैं—
 (क) अन्वेषण के दौरान प्रमाणित हुआ कि जिन व्यक्तियों ने 'संक्षेप' में
 उल्लेख किया है, वे 'संक्षेप' के निर्माण में शामिल थे।
 (ख) 'संक्षेप' के निर्माण में शामिल व्यक्तियों में से कुछ व्यक्तियों ने 'संक्षेप'
 के निर्माण में शामिल होने से इंकार किया है।
 (ग) 'संक्षेप' के निर्माण में शामिल व्यक्तियों में से कुछ व्यक्तियों ने 'संक्षेप'
 के निर्माण में शामिल होने से इंकार किया है।

U. S. PANDEY, Desk Officer

[illegible]

एसोसिएट कम्प्यूटर्स से प्राप्त कर ली इसलिए वह फर्म के नियोजन में दस्ता गया जहां उसे तकनीकी ज्ञान भी प्राप्त करना था। जुलाई व अगस्त 1997 में कम्प्यूटर की सफाई का कार्य उक्त फर्म से ले लिया गया व बैंक द्वारा फर्म को ही भुगतान किया तथा फर्म ने कर्मचारी शाकिर मोहम्मद को भुगतान किया। शाखा प्रबन्धक को कर्मचारी नियोजित करने का कोई अधिकार नहीं है। बैंक ऑफ़ बड़ौदा राष्ट्रीयकृत बैंक है जिसमें केन्द्रीय सरकार व रिजर्व बैंक के निर्देशों पर ही नियुक्ति निर्धारित प्रक्रिया अपनाकर की जा सकती है व लिखित आदेश दिया जाता है। श्रमिक पिछले दरवाजे से बैंक में नियोजन चाहता है, उसे आकस्मिक कार्य के लिये रखा गया था और सक्षम अधिकारी ने कभी उसे नियुक्ति नहीं दी। प्रार्थी श्रमिक का न तो कभी बैंक में आने जाने का कोई समय निश्चित था और न ही कोई कार्य अवधि निश्चित थी और न ही उसकी कोई हाजिरी दर्ज की जाती थी इसलिए वह बैंक का कर्मचारी नहीं था। जिरह में यह ग्वाह मानता है कि शाकिर मोहम्मद उनके कम्प्यूटर कक्ष में कार्य करता था लेकिन अतुर्थ श्रेणी कर्मचारी के रूप में कार्यरत नहीं था और उसे कम्प्यूटर मैन्टेनेन्स के महीने के 2000 रु. देते थे और मार्च 97 से जून 97 तक रखा था और वाउचर द्वारा भुगतान किया गया था वे वाउचर पेश नहीं किये हैं। वह कम्प्यूटर के रख-रखाव के लिए अतुर्थ श्रेणी कर्मचारी का काम नहीं करता था। मार्च 97 में काम पर रखने खाबत कोई नियुक्ति पत्र नहीं है, जुलाई 97 से कम्प्यूटर के रख-रखाव का ठेका मैसर्स एसोसिएटेड कम्प्यूटर्स को दे दिया था उससे पहले बैंक कम्प्यूटर का रख-रखाव का कार्य खुद करवाता था। कम्प्यूटर एसोसिएटेड व बैंक के बीच कोई अनुबन्ध हुआ हो तो उसे जानकारी नहीं है। एसोसिएटेड कंपनी ने उन्हें प्रदर्श एम-24 द्वारा भूचना दी थी कि श्रमिक अन्यत्र नियोजित हो गया है, जुलाई 97 व अगस्त 97 में श्रमिक एसोसिएटेड कम्प्यूटर्स की ओर से उनके यहां आता था और यदि वरिष्ठ प्रबन्धक ने श्रमिक को दैनिक वेतन पर रखा हो तो उसे जानकारी नहीं है।

8. इस प्रकार दोनों पक्षों की जो साक्ष्य पेश हुई है उनमें प्रार्थी स्वयं यदि मानता है कि उसने विपक्षी के यहां 240 दिन कार्य नहीं किया बल्कि 221 दिन ही काम किया इसलिए बिना मुआवजा दिए यदि उसे तर्क के लिए हटाया हुआ मान भी लिया जाए तो उसकी सेवामुक्ति किसी प्रकार से छूटनी की श्रेणी में नहीं आती है क्योंकि छूटने के लिए सेवामुक्ति से पूर्व के वर्ष में 240 दिन की अवधि के लिए कार्य करना आवश्यक है। प्रार्थी ने 221 दिन भी दैनिक वेतन भोगी के रूप में कार्य किया हो इसको भी कोई साक्ष्य पेश नहीं की गई है जबकि विपक्षी बैंक ने प्रदर्श एम-21 व 22 चेक व वाउचर पेश किए हैं जिसके अनुसार कम्प्यूटर रियेरिंग व साज-संभाल के 1645 रु. एसोसिएटेड कम्प्यूटर्स को देना तय किया है और इसका प्रार्थी के नाम 11-9-97 को चेक प्रदर्श एम-21 जारी किया गया है, प्रदर्श एम-23 एसोसिएटेड कम्प्यूटर्स का बिल विपक्षी ने पेश किया है जो उक्त 1645 रु. का है और प्रदर्श एम-24 एसोसिएटेड कम्प्यूटर्स का पत्र है जिसमें एसोसिएटेड कम्प्यूटर्स ने यह लिखा है कि श्रमिक शाकिर मोहम्मद को उन्होंने काम सौंपा था। इसके अलावा जो दस्तावेज नियोजन करने के लिए पेश किये जा चुके हैं वे सरकारी वरिष्ठरक्ष है जिसका भुगतान प्रार्थी को किया गया है। प्रार्थी का कोई हाजिरी रजिस्टर पेश नहीं हुआ है व न ही प्रार्थी ने इस तथ्य को साबित किया है कि उसकी ह्यूटरी जिस समय ये किस समय तक काम करने की थी और उस पर

विपक्षी बैंक के शाखा प्रबन्धक का नियंत्रण था और यह लगातार 8 घण्टे उसके नियंत्रण में काम करता था। अग्रिम व नियोजक का संबंध साबित करने के लिए यह तथ्य साबित करना आवश्यक था। इसके अलावा यह भी स्पष्ट है कि विपक्षी बैंक का उद्देश्य 240 दिनों किसी को नियोजित करने का अधिकार भी नहीं है क्योंकि राष्ट्रीयकृत बैंक होने के कारण विपक्षी बैंक में नियुक्ति की एक विशिष्ट प्रक्रिया है और नियुक्ति देने के लिए सक्षम अधिकारी की नियुक्ति है। इस सम्बन्ध में विपक्षी बैंक की ओर से ए. आई. आर. 2000 (I) व ए. आई. आर. 2996, 2002 (II) सी. एल. आर. 1043 व 2000 (11) सी. एल. आर. पृष्ठ 3 के न्यायनिर्णय उद्धृत किये हैं, वर्तमान मामले में मेरी राय में न तो श्रमिक अपनी सेवामुक्ति के पूर्व 240 दिन तक लगातार कार्य करना साबित कर पाया है और न ही वह लगातार 221 दिन तक दैनिक वेतन पर कार्य करता रहा हो यह साबित कर पाया है जबकि इसके विपरीत उसने एसोसिएटेड कम्प्यूटर्स में जुलाई व अगस्त 1997 के बिल 1645 रु. प्राप्त किये हैं और यह विपक्षी नियोजक द्वारा कथित किया गया है इसलिए प्रार्थी व विपक्षी के बीच में श्रमिक व नियोजक का सम्बन्ध भी कहीं साबित नहीं हुआ है व ही प्रार्थी श्रमिक लगातार 221 दिन तक काम करता रहा इस तथ्य को साबित कर पाया है व इस दौरान उस पर शाखा प्रबन्धक का नियंत्रण रहा हो और उसने विशिष्ट समय तक अग्रिम कामकाज समय में दौरान पूरे समय उसको सौंपा गया कार्य किया हो या तथ्य भी साबित नहीं किया है। ताराचन्द माली को उसे हटाकर सेवा में रखा गया हो यह तथ्य भी साबित नहीं कर पाया है और न ही इससे किसी कर्मचारी को सेवा में रख लिया गया हो और उसको हटा दिया गया हो यह तथ्य भी साबित हुआ है। इसलिए श्रमिकों की सिनिपलरी वेयर प्रमाण का सवाल ही नहीं उठता है। मेरी राय में प्रार्थी व विपक्षी के बीच न तो श्रमिक व नियोजक के सम्बन्ध स्थापित हुए हैं और न उनका सेवार्थ समाप्त करते हुए ताराचन्द माली को उसके स्थान पर नियुक्ति देना साबित हुआ है इसलिए श्रमिक कोई भी अनुतोष पाने का अधिकारी नहीं है।

9. अतः केन्द्रीय सरकार द्वारा तैयार इस प्रसंग को उत्तरित करते हुए यह पेंचाट इस प्रकार पारित किया जाता है कि शाखी श्रमिक शाकिर मोहम्मद व विपक्षी बैंक ऑफ़ बड़ौदा के मध्य अग्रिम व नियोजक का सम्बन्ध होना साबित नहीं है और न ही यह साबित हुआ है कि प्रार्थी श्रमिक की सेवार्थ समाप्त करते हुए उसके स्थान पर ताराचन्द माली को नियुक्ति दी गयी हो। इसलिए श्रमिक शाकिर मोहम्मद विपक्षी बैंक से कोई अनुतोष पाने का अधिकारी नहीं है।

उक्त अधिनियम प्रकाशनार्थ केन्द्रीय सरकार को अधिनियम की धारा 17(1) के अन्तर्गत प्रकाशनार्थ भेजा जाये।

10. अतः आज दिनांक 21.12.2009 को लिए गए फैसले में सुनवाई गई।

नवी प्रकाश, अग्रिम, राय, राय

her termination. Therefore, she is entitled for reinstatement with full back wages.

4. Opposite party filed the written statement contradicting the aversions made by the claimant. It is stated that the claimant was never appointed in the bank therefore, no case of termination is made out. She has misrepresented the facts to win the sympathy of the court. Employment in the bank is made through employment exchange. But it is stated that she was engaged as a casual labour on daily wages on petty cash basis for attending petty works like cleaning of bank premises. She was not engaged against any permanent vacancy. It is also stated that there is no such vacancy of a safai karmchari therefore; the question of appointment and taking work from the applicant does not arise. It is stated that she was engaged on day to day basis; therefore, question of retrenchment does not arise. It is also denied that she had ever worked for 240 days in a calendar year. Therefore, they have opposed the claim of the claimant.

5. Claimant has filed three photocopies of day book vide No. 8/2 to 8/4.

6. There was an application of the claimant to produce payment vouchers which are in the possession of the bank. Therefore, opposite party has produced numerous payment vouchers in original in all 152.

7. Both the parties have adduced oral evidence. Applicant has adduced herself as W.W.1 Smt. Soma. Opposite party has adduced one Sri Johar Mazoomdar who is branch manager as M.W.1.

8. I have perused the whole evidence considered the circumstances and heard the arguments of the parties at length.

9. It is contended by the opposite that the branch manager does not have any power to appoint any person even as a safai karamchari. They contended that the claimant was engaged on day to day basis for a petty work for cleanliness. It is admitted fact that her name was not called from employment exchange and the opposite party has specifically contended that without calling the name from employment exchange no one can be appointed. Claimant has nowhere alleged that her name was sent from employment exchange. She is not having any appointment letter, therefore, the aversion of the claimant that she was appointed as a safai karamchari against a permanent vacancy is not proper.

10. She herself stated that she was supposed to work for two hours a day.

11. Now it has to be seen that as to whether any right has accrued to her under the provisions of Industrial Disputes Act. Naturally in such a case if there had been any documentary evidence it could have been the best evidence. Claimant has filed three photocopies of the day book for the period 1997 to 2-9-99. These papers may have

been helpful but the claimant did not refer either of these papers in her claim statement as well as in her oral evidence. Opposite party has specifically denied about the veracity of these papers. How did she got it has not been proved. If these papers are looked for a moment front page carries the name of Soma Devi which is up to the period of 2-5-98, but the second and third page does not show or bear the name of Soma Devi. Regarding the significance of these papers no arguments were placed by the authorized representative for the claimant then it is difficult for me to give any weightage to these papers. When I inquired about the original payment vouchers which were filed by the opposite party which are in the name of Surjit Kumar, Smt. Soma Devi and other persons, claimant said that she does not want to rely upon these papers. None of the A.Rs of the parties tried to give any significance about the vouchers before me, even after putting a query by me also.

12. I have given due consideration to the oral evidence of both the witnesses. Initially the burden lies on the claimant to prove that she has worked continuously for 240 days in a calendar year. If she had been appointed on a regular basis then her name must have been sent through employment exchange but no such evidence has been filed.

13. Workman has placed reliance upon a decision (2010)¹ Supreme Court Cases L&S. Director Fisheries Terminal Department versus Bhikhuji Bhai Megha Ji Chavda and 2001 Lab IC 649 Supreme Court. Gujarat Agriculture University versus Rathod Laghyu Bechar and others.

14. I have respectfully gone through the principle laid down by the Hon'ble Supreme Court, but in the present case the claimant has not been able to prove prima facie by giving cogent evidence that she had worked for 240 days continuously in a calendar year preceding the date of her termination.

15. There is one more contention that after her termination some other person was engaged and appointed on her post. Though there is no such reference in this respect even she has not given any evidence who was the person who was appointed in her place. This contention also does not carry any force.

16. Opposite party has placed upon a number of decisions of the Supreme Court viz. (i) AIR 1997 SC 3097 Syndicate Bank versus Paul and others etc.

17. In view of above discussions, it is held that the claimant has not been able to prove her claim, therefore, reference is decided against her and in favour of the opposite party bank.

Dtd.: 29-3-2010 RAM PARKASH, Presiding Officer

नई दिल्ली, 13 अप्रैल, 2010

का. आ. 1162.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार ईस्टर्न रेलवे के

1426 GE/10-18

प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय लखनऊ के पंचाट (संदर्भ संख्या 114/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-4-2010 को प्राप्त हुआ था।

[सं. 41012/39/2002-आई आर (बी-1)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 13th April, 2010

S. O. 1162.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 114/2002) of the Central Government Industrial Tribunal-cum-Labour Court, Lucknow as shown in the annexure, in the Industrial Dispute between the management of Eastern Railway and their workmen, received by the Central Government on 13-4-2010.

[No. L-41012/39/2001-IR (B-1)]

SURENDRA SINGH, Desk Officer

ANNEXURE

**CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT, LUCKNOW**

Present : Sri N. K. Purohit, Presiding Officer

Industrial Dispute No. 114/2002

Ref. No. L-41012/39/2002-IR (B-1), dated : 28-6-2002

BETWEEN

Shri Suresh Gautam S/o Shri Nandlal
R/o Lakri Mohal, H. No. 68/523
Bherimandi, Nahar Ka Kinara
Lucknow (U.P.)-226001

AND

The Divisional Railway Manager
Eastern Railway, Ashok Marg
Lucknow/Sr. Divil. Mechanical Engineer
Lucknow (U.P.)-226001

AWARD

01-04-2010

1. By order No. L-41012/39/2002-IR (B-1) dated: 28-06-2002 the Central Government in the Ministry of Labour, New Delhi in exercise of powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) referred this industrial dispute between Shri Suresh Gautam, S/o Shri Nandlal, R/o Lakri Mohal, H. No. 68/523, Bherimandi, Nahar Ka Kinara, Lucknow (U.P.) and the Divisional Railway Manager, Eastern Railway, Ashok Marg, Lucknow/Sr. Divil. Mechanical Engineer, Lucknow (U.P.) for adjudication.

2. The reference under adjudication is :

“Kya Prabandhan Purvottar Railway द्वारा Shri Suresh Gautam putra Shri Nand Lal, Safai karmchari

ko dinank 31/08/1999 se naukari se nikala jana nayayochit tatha nayasangat hai? Yadi Nahi to karmkaar kis anutosh ka adhikari hai?”

3. Admitted fact of the case is that the workman, Suresh Gautam was regular Safaiwala in the Railways and he was charge sheeted and the departmental enquiry started in case memo no. M/CDO/Sept.97 dt. 28-9-97 and the departmental enquiry entrusted to Sri S.M. Lal. The charge was that the workman, Suresh Gautam Safaiwala was unauthorizedly absent from 1-2-97 to 2-9-97. It was also alleged that in the year 1996 he was unauthorizedly absent for which the increment was stopped for 30 months. The workman was charged for habitual absentee. The departmental enquiry was conducted during 17-03-99 to 21-05-99 and ultimately enquiry officer found the charge proved in the ex-parte enquiry. The worker was accordingly terminated from the service.

4. The workman contended that domestic inquiry was conducted in violation of principles of natural justice and the workman remained sick from 16-03-99 to 09-06-99 and he was admitted in Indoor Hospital of the Railways. In the circumstances he could not appear in the inquiry proceedings. On the pleading of both the sides following preliminary issues were framed on 15-09-2003 :

1. Kya vipachi द्वारा ki gayi vibhagiya janch nayay ke naisargik sidhdhanton ka anupalan kiye bina ki gayi hai, yadi haan to praphav?

5. After examining the workman and management witness, the then Learned Presiding Officer decided the issue No. 1 in favour of the workman and vide order dated 09-12-2005 following order was passed :

“Enquiry proceeding and subsequent enquiry report is set aside. Opposite party is directed to file the copy of the charge sheet and list of witnesses and documents on which he relies. The documents aforesaid be filed on 10-01-2006.”

6. In pursuance to the above order, the opposite party, Railway administration filed list of documents, C-27 and list of witnesses, C-28 and examined Sh. S.M. Lal as management witnesses to prove the charges levelled against the workman. In rebuttal the workman has examined himself as witness.

7. Heard the arguments of both the sides and perused the relevant record. Admittedly vide memo dated 28-09-97 following charges were levelled against the workman by the CDO, Gorakhpur :

1. “Shri Suresh Gautam/Sa. Ka. Aadhin SSE (CDO)/BG Di. 1-2-97 se 02-9-97 tak anadhikrit roop se anupasthit rahe hain.

2. Varsh/97 main anadhikrit anupasthiti ke viroodh aapki dand sawaroop 30 maah ke vetan vriddhi roki ja chuki hai.

3. Shri Gautam anadhikrit anupasthiti ke vasani ho chuke hain jo ek kadachaar evam rail aachaar sanhita 1966 ke niyam 3(ka)(i) (ii) ka ullanghan hai jiske liye Shri Gautam doshi hai."

8. Under Section 11-A of the Industrial Disputes Act, 1947, relating to discharge or dismissal of workman has been referred to a Tribunal and the Tribunal is satisfied that the order of discharge or dismissal was not justified, it may, by its award, set aside the order of discharge or dismissal and direct re-instatement of the workman on such terms and conditions, if any, as it this fit, or give such other relief to the workman including the award of any lesser punishment in lieu of discharge or dismissal and the circumstances of the case may require.

9. In the present case the enquiry proceedings and findings of the inquiry officer have already been set aside. It is pertinent to mention that the provisions of Section 11-A envisage that any proceeding under Section shall rely only on the materials on records and shall not take any fresh evidence in relation to the matter and shall not consider fresh evidence but in the matter of Neeta Kaplish vs. Presiding Officer, Labour Court and another while considering the question of material evidence under Section 11-A of the I.D. Act, Hon'ble Apex Court has held:

"In all case where enquiry has not been held or the enquiry has been found to be defective Labour Court/ Tribunal can call upon the management or the employer to justify action taken against the workman and to show by fresh evidence that the termination or dismissal order was proper. If management does not lead any evidence by availing of this opportunity, it cannot raise any grouse any subsequent state that it should have been given that opportunity, as the Tribunal, in those circumstances, would be justified in passing an award in favour of the workman. If however, opportunity is availed of and evidence is adduced by the management, validity of action taken by its has to be scrutinized and adjudicated on the basis of such fresh evidence.

Records pertaining domestic enquiry would not constitute 'fresh evidence' as those proceedings have already been found by the Labour Court to be defective. Such record would also not constitute 'material on record' within the meaning of Section 11-A as the enquiry proceedings, on being found bad, have to be ignored altogether."

10. In view of the above legal proposition we have to see whether the management has proved the charges leveled against the workman by adducing fresh evidence.

11. In this regard the management witness, Sh. S.M. Lal has been examined to prove the charges of misconduct. He has stated that time keeper, Shri Iqbal Ahmad said during inquiry that the workman remained unauthorizedly absent for the period from 01-02-97 to 02-09-97 and he did

not inform about his absence to the concerned authorities. He also stated that earlier of withholding of increments was imposed for unauthorized absence.

12. In rebuttal, the workman has admitted in his affidavit on oath that he remained absent from period 01-02-97 to 02-09-97 due to serious illness of his wife and no one was there to look after her. He has further stated that he had informed the Incharge about his absence. After fitness of his wife he reported on duty on 03-09-97 and awaited for orders. Subsequently vide letter dated 15-09-97, he was sent for medical fitness certificate. In cross-examination he has stated that he had submitted medical certificate of his wife's sickness which was given by a private doctor. He has also stated certificate paper no. 3/6 to 3/8 are pertaining to period 03-04-97 to 01-09-97, 01-03-97 to 09-04-97 and 01-02-97 to 21-02-97. But he did not submit any certificate for period 21-02-97 to 28-02-97. The workman has not adduced any documentary evidence to show that he proceeded on leave with prior consent of the authorities or he had informed the authorities for his absence due to sickness of his wife from time to time as stated by him. Thus, as per his own version the workman remained absent for the period 01-2-97 to 02-09-97 and admittedly he was not on sanctioned leave for said period. He has not adduced any document to establish that he had communicated or that he made any request in writing to sanction the leave for the said period. Therefore, it is established that he remained unauthorizedly absent for the said period. Therefore, charge under article 1 stands proved.

13. The railway administration has not adduced any evidence to prove that the workman was a habitual absentee. Even the order of alleged penalty of withholding of increments has not been produced, therefore, it is not established that the workman was a habitual absentee.

14. It is not disputed that the workman was working as Safaiwala and was having more than 11 years' of service. In such circumstances the punishment of termination of services of the workman is not in consonance with the alleged misconduct and seems to be unjustified. Therefore, in lieu of termination from services, the workman deserves lesser punishment. I am of view that the interest of justice would be met if the workman is reinstated with 25% of back wages and lesser penalty of withholding of one increment with cumulative effect is imposed in lieu of penalty imposed by the said impugned order.

15. Thus, in view of above discussions the impugned order dated 31-08-99, imposing penalty of terminating services of the workman is modified to the extent in lieu of above punishment lesser punishment of withholding one increment with cumulative effect is imposed upon the workman. The opposite party is directed to reinstate the workman with 25% of back wages and other consequential benefits.

16. Award as above.

Lucknow

N. K. PUROHIT, Presiding Officer

01-04-2010

नई दिल्ली, 13 अप्रैल, 2010

का. आ. 1163.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार उत्तर पश्चिम रेलवे के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, बीकानेर के पंचाट (संदर्भ संख्या 1/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-4-2010 को प्राप्त हुआ था।

[का. सं. 41012/140/2003-आई आर (बी.-1)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 13th April, 2010

S. O. 1163.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 1/2005) of the Central Government Industrial Tribunal-cum-Labour Court, Bikaner as shown in the annexure, in the Industrial Dispute between the management of Uttar Passim Railway and their workmen, received by the Central Government on 13-4-2010

[F. No. L-41012/140/2003-IR (B-I)]

SURENDRA SINGH, Desk Officer

अनुबन्ध

औद्योगिक विवाद अधिकरण, बीकानेर

पीठासीन अधिकारी

: हरी शुमार गोदारा

आर.एच.जे.एस.

नं. मु. केन्द्रीय औद्यो. वि. प्रसंग सं. 1 सन् 2005

पेमराम पुत्र श्री घासीराम जाति मेधवाल निवासी गांव टिडिपासर तहसील रतनगढ़ जिला चुरू

--प्राथी/श्रमिक

विरुद्ध

1. मण्डल रेल प्रबन्धक, उत्तरी पश्चिमी रेलवे, मण्डल, बीकानेर
2. स्टेशन अधीक्षक, उत्तरी पश्चिमी रेलवे जंक्शन चुरू

--विपक्षीगण/नियोजक

प्रसंग अन्तर्गत धारा 10(1)(घ),
औद्योगिक विवाद अधिनियम, 1947

उपस्थिति :-

1. श्री संतोष सेनी, श्रमिक प्रतिनिधि, प्राथी पक्ष के लिये
2. श्री हीरालाल हर्ष, अभिभावक, विपक्षी नियोजक पक्ष के लिये

:- अधिनिर्णय :-

दिनांक : 12 जनवरी, 2010

श्रम मंत्रालय, भारत सरकार, नई दिल्ली के आदेश सं. एल-41012/140/2003/आई.आर. (ई-1/दिनांक 23-2-2004 के द्वारा प्राथी श्रमिक पेमराम को सेवामुक्ति से सम्बन्धित एक विवाद अधिनिर्णयार्थ औद्योगिक विवाद अधिनियम, 1947 (जिस आगे चलकर केवल अधिनियम कहा गया है) की धारा 10 की उपधारा (1) के खण्ड (घ) के अधीन अधिनिर्णयार्थ इस अधिकरण में भेजा था, जिसे समसंख्यक शुद्धि-पत्र दिनांक 4 मई, 2006 के द्वारा संशोधित करते हुए उक्त प्रसंग विवाद में सेवामुक्ति दिनांक 16-1-1996 पढ़े जाने हेतु निर्देशित किया है। इस संशोधन के फलस्वरूप अधिकरण के समक्ष लंबित विवाद प्रसंग निम्न प्रकार पढ़े जाने योग्य है :

“क्या कर्मचारी श्री पेमराम पुत्र श्री घासीराम को सेवामुक्ति प्रबन्धन उत्तर रेलवे बीकानेर, मण्डल बीकानेर द्वारा दिनांक (21-12-95) 16-1-1996 बाद दोपहर से किया जाना न्यायसंगत व उचित है? अगर नहीं तो कर्मचारी किस लाभ का हकदार है और किस तिथि से ?”

2. प्रसंग प्राप्त होने पर प्रकरण दर्ज रजिस्टर किया गया, दोनों पक्षकारों द्वारा अपने-अपने लिखित अभिवचन पेश किये गये हैं अर्थात् प्राथी श्रमिक पेमराम को ओर से प्रस्तुत क्लेम आवेदन का जवाब विपक्षीगण द्वारा दिया गया है।

3. संक्षेप में, प्रकरण के तथ्य इस प्रकार हैं कि प्राथी श्रमिक पेमराम (जिसे आगे चलकर केवल प्राथी श्रमिक कहा जावेगा) द्वारा 12-3-04 को क्लेम आवेदन पेश किया जिसे संशोधन के पश्चात् संशोधित क्लेम आवेदन 12-5-06 को पेश किया गया है, उसके अनुसार वह भारतीय रेल सेवा उत्तरी रेलवे मण्डल बीकानेर जो वर्तमान में उत्तरी पश्चिमी रेलवे में परिवर्तित हो चुका है के नियोजनों में अप्राथीगण के अधीन जंक्शन चुरू रेलवे स्टेशन पर दिनांक 27-3-95 को दैनिक वृत्तन भागी कर्मकार के रूप में वाक्स पोटर के पद पर नियुक्त हुआ तथा अपनी नियुक्ति तिथि से लगातार बिना किसी व्यवधान के दिनांक 16-1-96 तक वह उक्त पद पर कार्यरत श्रमिक नियोजित रहा, इस अवधि में उसके कार्य व सेवा को सम्बन्ध में कोई किसी प्रकार की शिकायत अथवा आरोप नहीं रहा तथा उसकी इयूटी प्रतिदिन 12 घण्टे नियमित संवर्ग के कार्य पर रही, अप्राथी संस्थान एक औद्योगिक संस्था है तथा उसके कार्य की प्रकृति शारीरिक श्रम व कोशलपूर्ण कृत्य की होने से उसकी सेवा अप्राथी के नियोजन में बतौर कर्मकार की रहा है व प्राथी व अप्राथी नियोजक का सम्बन्ध मजदूर व मालिक का रहा है, उसकी सेवा अप्राथीगण के अधीन किसी भी सविदा पर अथवा अंशकालीन कर्मकार के बतौर किसी अस्थाई स्कीम अथवा निश्चित समय के लिये न हाकर स्थाई प्रकृति के कार्य पर बतौर नियमित कर्मकार के रही है, उसकी सेवा कलेण्डर वर्ष में 240 दिन से कहीं अधिक लगातार होने से यह एक औद्योगिक कर्मकार हो गया और उसकी सेवा औद्योगिक विवाद अधिनियम 1947 के आज्ञापक प्रावधान एचम् उक्त अधिनियम के नियम 1957 के प्रावधानों के प्रतिकूल समाप्त नहीं की जा सकती तथा अप्राथी संस्थान के सम्बन्ध में प्रबंध तंत्र एवम् कर्मकार संगठन मध्य समय-समय पर हुए समझौते के सम्बन्ध में जारी सेटलमेंट व रेलवे बोर्ड द्वारा जारी आदेश व परिपत्र के आधार पर प्राथी जैसे कर्मकारों की सेवा संधारित रही है जिसके अनुसार प्राथी अपनी सेवा

अवधि के अनुरूप नियमित सेवा व पद के वेतनमान को प्राप्त करने का मुश्तहक रहा है, प्रार्थी अपनी नियुक्ति तिथि से सेवा पृथक करने की तिथि 16-1-96 तक अप्रार्थी के नियोजन में लगातार व बिना किसी व्यवधान के कार्यरत होने से प्रार्थी अपने पद की सेवा पर नियुक्ति तिथि से नियमित कर्मचारी व पद के अनुरूप वेतनमान तथा देय भत्तों के लाभ को प्राप्त करने का विधिक हकदार हो गया था जो लाभ वह प्राप्त न कर सके की बदनियति से प्रार्थी की सेवा अप्रार्थी द्वारा मौखिक आदेश 16-1-96 को बाद दोपहर बतौर छंटनी के समाप्त की भर्ती और उसे सेवापृथक करने के पूर्व प्रार्थी जैसे कार्यरत कर्मचारियों की कोई वरिष्ठता सूची जारी नहीं की तथा ना ही ऐसी कोई सूची अपने कार्यालय से नोटिस बोर्ड पर ही चस्पा की गयी। इस प्रकार औद्योगिक विवाद नियम 1957 की धारा 77 व 78 के विपरीत की और उसकी सेवा समाप्ति से पूर्व अप्रार्थी द्वारा अधिनियम की धारा 25-जी की भी पालना नहीं की गयी। एक माह का लिखित नोटिस अथवा नोटिस वेतन व छंटनी-मुआवजा राशि का भुगतान भी नहीं किया और उसकी सेवा अधिनियम की धारा 25-एफ के विपरीत बतौर छंटनी के की गयी तथा उसके सेवा निधि में इसके वास्तविक कार्य के स्थान पर उसे कुली पद पर ठेका श्रमिक अपने अभिलेख में दर्शाया जाकर अनुचित श्रम नीति को अपनाया जो उसकी समस्त कार्यवाही अधिनियम की पांचवी अनुसूची के तहत अनफेयर लेबर प्रेक्टिस है, उसके अनुसार अप्रार्थी नियोजक द्वारा उसकी सेवा समाप्त करने से पूर्व औद्योगिक सिद्धांत "प्रथम आये आखिर जाये" की भी पालना नहीं की गयी तथा अप्रार्थी संस्थान में प्रार्थी के पद का कार्य व पद रिक्त होते हुए भी मात्र बेरोजगार करने की मंशा से उसकी सेवा समाप्त की गयी तथा प्रार्थी के साथ के व बाद के नियोजित श्रमिकों को बराबर काम पर बनाये रखा और उसे सेवामुक्त करने के पश्चात्, नई नियुक्ति भी की गई तथा प्रार्थी जो कि नियोजन के लिये तत्पर था को नियोजन के हक से वंचित रखा है और अधिनियम की धारा 25-एच का उल्लंघन भी किया है। अंत में सेवासमाप्ति दिनांक 16-1-96 से पुनः संवेतन, देय सभी लाभों व निरन्तरता के लाभ सहित अप्रार्थीगण के नियोजन में बहाल करने की प्रार्थना की है।

4. विपक्षी नियोजक पक्ष की ओर से इसका जवाब दिया गया है जिसमें यह अंकित किया गया है कि श्रम मंत्रालय द्वारा प्रेषित रेफरेंस उत्तर रेलवे से सम्बन्धित होने व अप्रार्थीगण का उत्तर-पश्चिम रेलवे से सम्बन्धित होने के कारण त्रुटिपूर्ण होने से बिना संशोधन करवाये चलने योग्य नहीं है और ना ही वह त्रुटिपूर्ण रेफरेंस के माध्यम से कोई अनुतोष प्राप्त करने का अधिकारी हो सकता है, उनके अनुसार प्रार्थी को 27-3-95 को अप्रार्थीगण के अधीन चुरू जंक्शन रेलवे स्टेशन पर दैनिक वेतन भोगी के रूप में बॉक्स पोर्टर के पद पर नियुक्त नहीं किया तथा न ही प्रार्थी द्वारा 16-1-1996 तक लगातार बॉक्स पोर्टर के पद पर दैनिक वेतन भोगी कर्मचारी के रूप में कार्य निष्पादित किया गया, प्रार्थी द्वारा चुरू जंक्शन रेलवे स्टेशन पर प्राइवेट कुली नं. 8 के रूप में गाड़ी से उतरने वाले यात्रियों का सामान प्लेट फार्म से बाहर पहुंचाने का कार्य प्राइवेट तौर पर किया जाता था जिसके लिये उसे बेज नं. 8 आवंटित था, अप्रार्थीगण द्वारा कभी भी बॉक्स पोर्टर नियोजित नहीं किया गया तथा कुली एक

रेलवे कर्मचारी नहीं होने के कारण प्रार्थी व अप्रार्थीगण के बीच मजदूर व मालिक का सम्बन्ध नहीं हो सकता, कुली नं. 9 के रूप में कार्यरत होते हुए कभी-कभी प्रार्थी से गाड़ी का बक्सा उठवाने का काम तो लिया जाता था जिसके सम्बन्ध में उसे कभी भी कोई आदेश नहीं दिया गया। उनके अनुसार प्रार्थी द्वारा जो कार्य किया गया है वह चुरू जंक्शन रेलवे स्टेशन पर लाईसेन्सधारी कुली नं. 8 के रूप में किया गया है, और लाईसेन्सधारी कुली पर औद्योगिक विवाद अधिनियम 1947 या उसके अधीन बनाये गये नियम 1957 के प्रावधान लागू नहीं होते हैं और न ही वह कर्मकार की परिभाषा में आ सकता है। उनका यह भी कहना है कि प्रार्थी को अप्रार्थीगण के किसी आदेश द्वारा न तो चुरू जंक्शन रेलवे स्टेशन पर बॉक्स पोर्टर के पद पर नियुक्त किया गया और ना ही दिनांक 16-1-96 को उसे हटाया गया, प्रार्थी द्वारा चुरू जंक्शन रेलवे स्टेशन पर लाईसेन्स धारी प्राइवेट कुली (बेज नं. 8) के रूप में कार्य किया जाता था, उसी दौरान कभी-कभी उससे बॉक्स पोर्टर का कार्य ले लिया जाता था और उसी को मिथ्या आधार बनाकर प्रार्थी ने मिथ्या क्लेम प्रस्तुत किया है जो चलने योग्य नहीं है। प्रार्थी को अधिनियम के प्रावधानों के अन्तर्गत कोई नोटिस, वेतन व छंटनी मुआवजा आदि प्रदान किये जाने का न तो कोई प्रावधान है और न ही दिया जा सकता है उस पर अधिनियम के प्रावधान लागू नहीं होते हैं, प्रार्थी द्वारा सितम्बर 1997 तक लाईसेन्स धारी कुली नं. 8 के रूप में चुरू जंक्शन रेलवे स्टेशन पर कार्य किया जाता रहा है वह शुद्ध हस्त से न्यायालय के समक्ष नहीं आया है। विशेष कथनों में यह भी अंकित किया है कि प्रार्थी द्वारा उत्तर पश्चिम रेलवे बीकानेर मण्डल के चुरू जंक्शन रेलवे स्टेशन पर लाईसेन्स प्राप्त कर लाईसेन्सधारी कुली नं. 8 के रूप में गाड़ियों से उतरने वाले यात्रियों का सामान प्लेट फार्म से बाहर ले जाने का कार्य प्राइवेट तौर पर किया जाता था, इसी दौरान कभी-कभी रेलवे का चतुर्थ श्रेणी कर्मचारी के अवकाश पर होने अथवा उपलब्ध न होने पर प्रार्थी से गाड़ी का बक्सा उठवाने का कार्य लिया जाकर उसे नकद भुगतान कर दिया जाता था, कभी-कभी गाड़ी का बक्सा उठवाने पर आर.पी. एफ. व जी.आर.पी. के जवानों द्वारा आपत्ति नहीं करने पर कुछ लिखित मीमो जारी किये गये थे परन्तु स्टेशन मास्टर द्वारा टेक्नीकल रूप में भविष्य में आने वाली कठिनाईयों को न समझ पाने के कारण इन मीमों का प्रार्थी द्वारा दुरुपयोग किया जा रहा है जबकि तत्कालीन स्टेशन मास्टर ऐसी भाषा लिखने में सक्षम नहीं है, इन मीमों के आधार पर किये गये भुगतान को रेल प्रशासन ने अवैध व अनुचित मानते हुए उनके वेतन से वसूल किया गया और उनके द्वारा प्रार्थी को किये गये भुगतान को उनका व्यक्तिगत भुगतान माना गया इसलिये प्रार्थी इन मीमों का जो उसकी स्वयं की सुविधा के लिये दिये गये थे का गलत अर्थ निकाल कर कानूनी रूप से दुरुपयोग कर कानूनी लाभ प्राप्त करने का अधिकारी नहीं है, इन मीमों पर अप्रार्थीगण सं. 1 व 2 के हस्ताक्षर नहीं है, उसको स्वयं यह साबित करना है कि उसने क्लेम आवेदन में हटाने की वर्णित दिनांक 16-1-96 से पूर्ववर्ती एक कलेण्डर वर्ष में 240 दिवस श्रमिक के रूप में निर्विवाद कार्य किया है, उनके अनुसार प्रार्थी जिसे कभी भी बॉक्स पोर्टर के पद पर नियुक्त नहीं किया गया बल्कि कुली नं. 8 के रूप में कार्यरत रहते हुए

उससे कभी-कभी आवश्यकता पड़ने पर बॉक्स पोर्टर का काम लिया जाकर उसी समय उसे भुगतान कर दिया जाता था ऐसी स्थिति में चूरू रेलवे स्टेशन पर उसकी उपस्थिति स्थानांतरित किये जाने, वेतन बिल बनाने, कार्मिक शाखा को, अकाउंट्स शाखा को प्रेषित कर सत्यापित करने का कोई औचित्य ही नहीं है, उसने लगभग 10 वर्ष पश्चात् अत्यन्त देरी से न्यायालय में यह विवाद पेश किया है जिसके सम्बन्ध में प्रार्थी द्वारा अप्रार्थीगण के साथ कोई पत्र व्यवहार उसके द्वारा साबित नहीं किया गया है और न ही कोई स्पष्टीकरण प्रस्तुत किया है स्पष्ट है कि प्रार्थी द्वारा बारीक कानूनी सलाह से रेलवे में सरकारी नौकरी प्राप्त करने के उद्देश्य से किसी के बहकावे में आकर देरी से कार्यवाही की है जो चलने योग्य नहीं है, कुली कभी भी रेलवे का श्रमिक अथवा कर्मचारी नहीं होता और कुली किसी प्रकार से नियमित सेवा व पद के वेतनमान प्राप्त करने का अधिकारी नहीं है, प्रार्थी व अप्रार्थी के मध्य नियोजक व श्रमिक का सम्बन्ध नहीं हो सकता और न ही औद्योगिक विवाद अधिनियम के प्रावधान लागू किये जा सकते हैं। उनके अनुसार प्रार्थी ने दिनांक 20-1-2002 को अप्रार्थीगण को एक आवेदन प्रस्तुत कर निवेदन किया है कि उसकी पत्नी के बीमार हो जाने के कारण व अन्य विपरीत घरेलू परिस्थितियों के कारण सितम्बर 97 से लगातार कार्य पर नहीं आ सका तथा अब अपना कुली का लाईसेन्स का नवीनीकरण करवाकर कुली का कार्य करना चाहता है, प्रार्थी द्वारा मिथ्या कथन करते हुए 16-1-96 से हटाना वर्णित किया है, वह विवाद से सम्बन्धित प्रार्थनापत्र में सहायक श्रम आयुक्त के समक्ष कहीं सेवामुक्ति 15-12-1995 व वहीं 21-12-95 अंकित किया है जिसके आधार पर रैफरेन्स न्याय निर्णय हेतु आया है उसमें उसने 16-1-96 हटाये जाने की कोई तिथि अंकित नहीं की ओर न ही प्रार्थी द्वारा उस समय उसमें कोई संशोधन करवाया गया अतः प्रार्थी का क्लेम सब्यय निरस्त करने की प्रार्थना की है।

5. पक्षकारों द्वारा प्रस्तुत साक्ष्य के दौरान प्रार्थी श्रमिक पेमाराम ने स्वयं का शपथपत्र पेश किया जिसके खण्डन में विपक्षीगण की ओर से अब्दुलरहमान, सोहनलाल, जयसिंह मीणा ने अपने शपथपत्र पेश किये हैं। दिनांक 17-11-06 को गवाह जयसिंह मीणा ने एक शपथपत्र और पेश किया है जिसके खण्डन में प्रार्थी श्रमिक पेमा राम ने भी अपना शपथपत्र दिनांक 22-2-08 को न्यायालय में पेश किया है, प्रत्येक पक्ष द्वारा एक-दूसरे पक्ष के गवाह, द्वारा प्रस्तुत शपथपत्र पर जिरह की गयी है और प्रलेखीय साक्ष्य भी पेश की गयी है।

6. बहस उभयपक्ष सुनी गयी और पत्रावली का ध्यानपूर्वक अवलोकन किया गया, हमारे समक्ष लब्धित इस प्रकरण के निस्तारण के लिये प्रमुख रूप से विचारणीय बिन्दु यही है कि :

क्या प्रार्थी पेमाराम की सेवामुक्ति प्रबन्धन, उत्तरी रेलवे (उत्तरी-पश्चिमी रेलवे) द्वारा दिनांक 16-1-1996 को बाद दोपहर से किया जाना न्यायसंगत व उचित है अगर नहीं तो प्रार्थी किस लाभ का हकदार है और किस तिथि से ? इसके अलावा यह भी विचारणीय है कि क्या प्रार्थी ने बॉक्स पोर्टर के रूप में कार्य किया।

7. इस बिन्दु पर प्रार्थी श्रमिक पेमाराम ने अपना शपथपत्र पेश किया है जिसके अनुसार मण्डल बीकानेर के अधीन रेलवे स्टेशन चूरू

में 3-1-95 को दैनिक वेतन भोगी के रूप में बॉक्स पोर्टर के पद पर नियुक्त हुआ और 16-1-96 तक लगातार नियोजित रहा, उसका व विपक्षी का मजदूर व मालिक का सम्बन्ध रहा है और उसकी सेवा कलैण्डर वर्ष में 240 दिन से अधिक रही है, 16-1-96 को विपक्षी सं. 1 के निर्देश से विपक्षी सं. 2 ने मौखिक आदेश से उसकी सेवा समाप्त कर दी और ऐसा करने से पूर्व न तो कोई वरीयता सूची जारी की और न उसे कोई नोटिस या नोटिस वेतन व मुआवजा राशि दी, उसे हटाने के बाद विपक्षी ने अपने चहेते व्यक्ति राजकुमार को नियोजित किया। वह नियमित सेवा का लाभ नहीं पा जाये इस कारण उसकी सेवा समाप्त की। वह कभी भी कुली के पद पर कार्यरत नहीं रहा, न ही उसने कुली के लिये किसी प्रकार का लाईसेन्स अथवा बेज के लिये आवेदन किया। उसकी ड्यूटी के सम्बन्ध अप्रार्थी द्वारा दिये गये आदेश मीमो प्रदर्श डब्लू. 1 से 29 है, इन पर ए तथा बी कार्य आदेश व सी तथा डी विपक्षी सं. 2 के हस्ताक्षर हैं। सेवापृथक विवाद में तिथि के सम्बन्ध में री-ज्वाइण्डर प्रार्थनापत्र प्रदर्श डब्लू. 30 व 31 शुद्धि बाबत भेजे गये प्रार्थनापत्र प्रदर्श डब्लू. 32 व उसकी रसीद प्रदर्श डब्लू. 32 है। रैफरेन्स के बाद उत्तरी रेलवे को पश्चिमी रेलवे में मिलाने के कारण उत्तर-पश्चिमी रेलवे दुरस्त करने बाबत भी प्रार्थना की गयी थी। उसकी सेवा कार्य अवधि का मूल अभिलेख विपक्षी गण के कब्जे में है जो प्रार्थनापत्र प्रदर्श डब्लू. 34 पेश करने के बावजूद भी पेश नहीं किया है, उसका सेवा पृथककरण बतौर छंटनी करने के बाद से वह बेकार है। इस शपथपत्र के बाद प्रार्थी श्रमिक ने दूसरा शपथपत्र दिनांक 22-2-08 को पेश किया उसमें इस शपथपत्र के तथ्यों को दोहराते हुए केवल मात्र यह अतिरिक्त कथन किया कि श्रम मंत्रालय द्वारा जारी कोरिजेण्डम प्रदर्श डब्लू. 35 है और वह कभी भी अंशकालीन कर्मकार या कुली के पद पर कार्यरत नहीं रहा, कुली का अभिलेख फर्जी तैयार किया गया है जो उसे स्थाई नियोजन के हक से वंचित करने के लिये किया गया है। विपक्षी के गवाहान जयसिंह मीणा, सोहनलाल, अब्दुलरहमान ने अपने शपथपत्रों में गलत तथ्य अंकित किये हैं। प्रदर्श एम-1 में उसकी कोई लिखित प्रार्थना नहीं है और उसके हस्ताक्षर फर्जी बनाये हैं। विपक्षी सं. 1 द्वारा कुलियों का उपस्थिति रजिस्टर प्रदर्श एस-5 व प्रदर्श एम-2 से 4 पत्र गलत तैयार किये हैं। जिरह में इस गवाह का स्पष्ट कथन है कि रेलवे स्टेशन पर बॉक्स पोर्टर के रूप में 3-1-95 को लगा और 16-1-96 तक काम किया और उसको रेलवे के खजांची भुगतान करते थे, 3-1-95 को जब वह बॉक्स पोर्टर लगा तब वह कुली नहीं था और लाईसेन्स नंबर 8 उसके नाम से जारी नहीं था, वह रेलवे स्टेशन पर रोजाना बक्से उठाता था और यात्रियों का सामान नहीं उठाता था, उसे स्टेशन पर मीमो जब देते थे तब उसका काम बदलते थे। प्रदर्श डब्लू. 1 से 28 पर स्टेशन मास्टर के हस्ताक्षर हैं जो निसारजी, विजयकुमारजी, दामोदरजी, रामेश्वरजी वगैरह के हैं। यह गलत है कि उसे मीमो इसलिये देते हों कि आर.पी.एफ. और जी.आर.पी.एफ. वाले बॉक्स ले जाते समय नहीं रोके। उसने कभी भी कुली का काम नहीं किया, उसे जयसिंह मीणा साहब ने कहा था कि कल से काम पर नहीं आना। प्रदर्श एम-1 पर खाली कागज पर दस्तखत कराये थे। यह गलत है कि वह रेलवे स्टेशन पर कुली नंबर 8 के रूप में काम करता हो और कभी-कभी उससे रेलवे वाले बॉक्स पोर्टर का काम लेते हों और

उसके बदले उसे अलग से मजदूरी देते थे। दूसरे शपथपत्र पर की गई जिरह में उसने स्पष्ट कहा है कि उसे 1200 रु. महीना देते थे और वेतन देते समय टिकट लगाकर वेतन देते थे। वह स्टेशन पर गार्ड व ड्राइवर के बक्से उतारने व चढ़ाने का काम करता था। उसने इस तथ्य को गलत बताया कि उसने लाईसेन्स फीस 5 रु. जमा कराई हो, यह भी गलत है कि रेलवे स्टेशन पर काम करने वाले कुलियों को ड्रेस दी जाती हो और ड्रेस दी जाने वाली सूचि में उसका नाम क्रम सं. 21 पर दर्ज हो, यह भी गलत है कि चूरू स्टेशन पर अन्य लोग भी बॉक्स पोर्टर का काम करते हों। यह सही है कि जब उससे काम लेना बन्द कर दिया तब उसने जाना बन्द कर दिया फिर कहा कुछ दिन तो गया। इसकी कोई शिकायत उच्चाधिकारियों को नहीं की।

8. इसके विपरीत विपक्षी की ओर से गवाह अब्दुल रहमान का शपथपत्र पेश किया है जिसके अनुसार वह चूरू जंक्शन पर स्टेशन अधीक्षक है और प्रार्थी श्रमिक को, 27-3-95 से 21-12-95 तक दैनिक वेतन भोगी कर्मचारी के रूप में बॉक्स पोर्टर के पद पर नियुक्त नहीं किया और ना ही उसने दैनिक वेतन भोगी बॉक्स पोर्टर का काम किया, वह चूरू जंक्शन पर प्राइवेट कुली के रूप में यात्रियों का सामान बाहर पहुँचाने का काम करता था और उसका बेज नंबर 8 था, उसने 27-3-95 से 21-12-95 तक स्टेशन अधीक्षक चूरू के अधीन लगातार 240 दिन बॉक्स पोर्टर के रूप में कार्य नहीं किया। उसे न तो बॉक्स पोर्टर के रूप में कोई नियुक्ति आदेश दिया गया। रेलवे के किसी चतुर्थ श्रेणी कर्मचारी के अवकाश पर होने या उपलब्ध न होने व आवश्यकता पड़ने पर उससे गार्ड का बक्सा उठाने का काम लिया गया जिसका नकद भुगतान किया जाता था, उक्त काम लेने के कारण आर.पी.एफ. व जी.आर.पी.एफ. के जवानों द्वारा आपत्ति न की जावे इसलिये कुछ लिखित मीमो स्टेशन अधीक्षक चूरू द्वारा अपने स्तर पर सुविधा के लिये जारी किये गये थे जो मीमो में वर्णित भाषा अपने स्तर पर लिखने में सक्षम नहीं थे और इन मीमो के आधार पर स्टेशन अधीक्षक चूरू द्वारा किये गये भुगतान को रेल प्रशासन ने अवैध व अनुचित माना और व्यक्तिगत भुगतान मानते हुए उनके वेतन से री-कवर किया गया। कभी-कभी बॉक्स पोर्टर का काम लेने से वह रेलवे का कर्मचारी या श्रमिक नहीं हो जाता। औद्योगिक विवाद अधिनियम के प्रावधान उस पर लागू नहीं किये जा सकते ऐसी स्थिति में सेवा पृथक करने से पूर्व नोटिस, नोटिस वेतन व छंटनी मुआवजा देने का प्रावधान लागू नहीं होता और कोई रिकार्ड नहीं है। रेलवे में कार्यरत स्थाई व अस्थायी श्रमिकों व कर्मचारियों के भुगतान की अलग-अलग प्रक्रिया है और जिसके अनुसार प्रत्येक शाखा व विभाग में अलग-अलग वेतन बिल बनाकर मण्डल कार्मिक विभाग को भेजते हैं जहां बिल लेखा शाखा में जाकर सत्यापित होकर भुगतान किया जाता है। आवश्यकता पड़ने पर कभी-कभी बॉक्स पोर्टर का काम लेने के कारण प्रार्थी को उसी समय भुगतान किया जाता था और उसको वेतन बिल बनाने का औचित्य नहीं होने के कारण उसके भुगतान से सम्बन्धित कोई बिल व वाउचर नहीं बनाये गये। पेमाराम द्वारा कुली नं. 8 के रूप में कार्यरत रहते हुए फरवरी 95 से अगस्त 95 तक का लाईसेन्स शुल्क 35 रु. 14-9-95 को व अक्टूबर-नवम्बर-दिसंबर 95 का लाईसेन्स शुल्क 15-11-95

को जमा कराया गया। स्टेशन अधीक्षक चूरू द्वारा कुलियों को वर्दी के सम्बन्ध में भिजवाये गये मांगपत्र में उसका क्रम सं. 21 पर व कार्यरत कुलियों की भेजी गयी सूचि में क्रम सं. 6 पर पेमाराम का नाम दर्ज है। जो प्रदर्श डब्लू 3 व 4 है, पेमाराम ने 20-1-02 को विपक्षी के समक्ष एक प्रार्थनापत्र पेश किया कि पत्नी बीमार होने के कारण व अन्य घरेलू परिस्थितियां होने के कारण वह सितम्बर 97 से लगातार काम पर नहीं आ सका और कुली के लिये अपना लाईसेन्स पुनः नवीनीकरण करवाना चाहता है जिसका प्रार्थनापत्र प्रदर्श एम-1 है। जिरह में यह गवाह मानता है कि प्रदर्श डब्लू 1 से 29 तक स्टेशन मास्टर व अधीक्षक द्वारा जारी किये हुए हैं जिन पर उनके हस्ताक्षर हैं। प्रशासन चाहे तो कुली से बॉक्स पोर्टर का काम ले सकता है जिसका भुगतान किया जाता है जो प्रार्थी को भी भुगतान किया है। बॉक्स पोर्टर चालक व गार्ड के बक्से लाने-ले जाने का काम करता है जिसका स्टेशन कार्यालय में रिकार्ड रहता है। प्रार्थी से बॉक्स पोर्टर का काम लेने व भुगतान का रिकार्ड कोर्ट में पेश नहीं किया है। नियोजित बॉक्स पोर्टरों की सूचि होती है। जिनकी उपस्थिति लगती है, प्रदर्श डब्लू 29 में प्रार्थी को 15-16 जनवरी 96 के काम का आदेश है, प्रदर्श डब्लू 1 से 28 भी ऐसे ही आदेश हैं।

गवाह सोहनलाल का भी अपने शपथपत्र में यही कथन है कि पेमाराम द्वारा क्लेम प्रार्थना पत्र में वर्णित अवधि में चूरू जंक्शन रेलवे स्टेशन पर लाईसेन्सधारी कुली के रूप में काम किया जाता था जिसका बेज नंबर 8 था और कभी कभी चतुर्थ श्रेणी कर्मचारी के अवकाश पर होने या उपलब्ध न होने पर पेमाराम से बॉक्स पोर्टर का काम लेते थे जिसके लिये उस समय नगद भुगतान कर दिया जाता था। कुलियों से सम्बन्धित रजिस्टर स्टेशन अधीक्षक कार्यालय द्वारा रखा जाता है जो काफी पुराना होने के कारण उपलब्ध नहीं हुआ था परन्तु, उसकी उपस्थिति पंजिका कापी तलाशने के बाद अब मिल गयी है जिसकी उसमें कुली नंबर 8 के रूप में उपस्थिति दर्ज है, उसकी उपस्थिति पंजिका प्रदर्श एम-5 व 6 है। जिरह में यह गवाह मानता है कि प्रदर्श डब्लू 1 से 29 उनके विभाग के हैं, प्रदर्श एम-5 पर किसी विभाग का नाम व मुहर नहीं लगी है परन्तु स्टेशन अधीक्षक के हस्ताक्षर हैं। प्रदर्श एम-5 रजिस्टर की फोटो कापी है मूल वह साथ लाया है। कुली रेलवे का नौकर नहीं होता है। अब स्टेशन पर 3 बॉक्स पोर्टर काम करते हैं।

गवाह जयसिंह मीणा का कथन है कि 20-3-95 से 10-11-97 तक वह रेलवे स्टेशन चूरू पर अधीक्षक के पद पर नियुक्त था और दिनांक 27-3-1995 से 16-1-96 तक दैनिक वेतनभोगी के रूप में बॉक्स पोर्टर के पद पर प्रार्थी को नियुक्त नहीं किया गया और न उसके द्वारा दैनिक वेतन भोगी कर्मचारी के रूप में बॉक्स पोर्टर का काम किया गया। वह कुली के रूप में काम करता था जिसका बेज नं. 8 था। उसने कभी भी 240 दिन लगातार दैनिक वेतन भोगी कर्मचारी के रूप में बॉक्स पोर्टर का काम नहीं किया। बॉक्स पोर्टर के रूप में सक्षम प्राधिकारी द्वारा उसे न तो कोई नियुक्ति आदेश दिया गया और न नियमित रूप से उसके द्वारा बॉक्स पोर्टर का कार्य किया गया। रेलवे के किसी चतुर्थ श्रेणी कर्मचारी के अवकाश पर होने या उपलब्ध न होने के कारण उससे गार्ड का बॉक्स उठवाने का कार्य

लिया जाता और नगद भुगतान किया गया, आर.पी.एफ. व जी.आर. पी.एफ. के जवानों द्वारा आपत्ति नहीं करने के लिये चुरू स्टेशन अधीक्षक द्वारा अपनी सुविधा के लिए जारी किये गये प्रदर्श डब्लू. 1 से 28 उसके द्वारा जारी नहीं किये गये। रेलवे विभाग में कर्मचारियों के नियोजन की अलग-अलग प्रक्रिया है व कुली के रूप में लाईसेन्स प्राप्त करने की अलग प्रक्रिया है। कभी-कभी बॉक्स पोर्टर का काम लेने मात्र से प्रार्थी रेलवे का कर्मचारी नहीं हो जाता है। प्रार्थी द्वारा कुली के रूप में कुली के लाईसेन्स की फीस जमा कराने व कर्मचारियों के बिल बनाने व उनके भुगतान की प्रक्रिया को भी उसने शपथपत्र में वर्णित किया है। इसके अलावा उपस्थिति रजिस्टर व मांगी गयी वर्दी के सम्बन्ध में इस गवाह ने गवाह अब्दुलरहमान के कथनों के अनुसार ही कथन किया है, उसके अनुसार 21-1-02 को प्रार्थी ने प्रार्थनापत्र प्रदर्श एम-1 विपक्षीगण के यहां पेश किया गया था। इस गवाह द्वारा इन्हीं तथ्यों का एक शपथपत्र दिनांक 7-11-2005 को भी पेश किया गया है। जिरह में यह गवाह मानता है कि मण्डलीय वाणिज्यिक अधिकारी बीकानेर को पेमाराम बाबत जवाब दिया था कि हमने इससे गार्ड बॉक्स हैण्डल करवाये हैं। बॉक्स पोर्टरों की लिस्ट बनाई जाती है परन्तु सूची पेश नहीं की है क्योंकि हमने इसको बॉक्स पोर्टर नहीं माना। दूसरे शपथपत्र पर की गयी जिरह में यह मानता है कि प्रदर्श डब्लू. 1 से 29 चुरू रेलवे स्टेशन से जारी है, वह बॉक्स पोर्टर सम्बन्धित ए.एस.एम. के अधीन कार्य करता है और उसको भुगतान रेलवे विभाग के डी.पी.ओ. बीकानेर के द्वारा किया जाता है और मासिक भुगतान होता है, वर्ष 1995-96 में बॉक्स पोर्टर नहीं था बल्कि यह काम चतुर्थ श्रेणी कर्मचारियों से लेते थे। बॉक्स पोर्टर की उपस्थिति रजिस्टर में अंकित की जाती थी। उस समय कोई बॉक्स पोर्टर नहीं था।

9. दोनों पक्षों की साक्ष्य पर विचार किया गया। प्रार्थी के अभिभावक का कथन है कि प्रदर्श डब्लू. 1 से 29 ड्यूटी के मीमो विपक्षी स्टेशन अधीक्षक चुरू के अधीन कार्यरत ए.एस.एम. द्वारा जारी किये जाना मानता है, विपक्षीगण अपनी साक्ष्य में यह भी मानते हैं कि चुरू स्टेशन पर अब 3 बॉक्स पोर्टर हैं और उस समय कोई बॉक्स पोर्टर नहीं था, वे यह भी मानते हैं कि पेमाराम से कभी-कभी बॉक्स पोर्टर का काम लिया जाता था और उसके लिये उक्त मीमो जी. आर. पी. एफ. या आर.पी.एफ. के लोग एतराज ना करें इस कारण जारी किये गये। विपक्षीगण यह भी स्वीकार करते हैं कि पेमाराम को बॉक्स पोर्टर के रूप में कार्य करने का भुगतान किया गया परन्तु उस भुगतान को अवैध व अनुचित मानते हुए स्टेशन अधीक्षक चुरू के वेतन से री-कवर किया गया। उसे भुगतान कभी-कभी किये गये कार्य की एवज में किया गया था इसके दस्तावेज विपक्षी के कब्जे में थे और उसे लगातार इस अवधि में भुगतान नहीं किया गया यह ऐसे दस्तावेज पेश करके विपक्षीगण साबित कर सकते थे। प्रार्थी द्वारा पेश किये गये मीमो से उसके द्वारा बॉक्स पोर्टर का काम करना पूरी तरह साबित है और इन मीमो में उसका पद भी बॉक्स पोर्टर का लिखा हुआ है।

10. इसके विपरीत विपक्षीगण के अभिभावक का तर्क है कि पेमाराम कुली नं. 8 के रूप में कार्यरत था जो प्राइवेट काम करता था और उससे कभी-कभी चतुर्थ श्रेणी कर्मचारी ना होने के कारण बॉक्स

पोर्टर का काम लिया गया और उसको कोई नियुक्ति आदेश नहीं दिया गया, ना ही बॉक्स पोर्टर के रूप में उसे कोई वेतन दिया गया। कभी-कभी बॉक्स पोर्टर के रूप में काम लेने के कारण जो भुगतान किया गया वह भी अनुचित एवम् अवैध मानते हुए स्टेशन अधीक्षक के वेतन से री-कवर कर लिया गया।

11. जहां तक प्रार्थी से बॉक्स पोर्टर का काम विपक्षीगण द्वारा लिया जाता था; इस तथ्य का सवाल है। विपक्षीगण के गवाह यह स्वीकार करते हैं कि पेमाराम से कभी-कभी चतुर्थ श्रेणी कर्मचारी के उपलब्ध ना होने पर बॉक्स पोर्टर का काम लिया गया, उनका यह भी कथन है कि उसने 240 दिन तक लगातार काम नहीं किया और जो भुगतान पेमाराम को बॉक्स पोर्टर के काम का किया गया वह अनुचित एवम् अवैध मानते हुए स्टेशन अधीक्षक के वेतन से री-कवर कर लिया गया। लगातार 240 दिन तक कार्य करने का तथ्य साबित करने का भार प्रार्थी श्रमिक पर था, उसके अनुसार उसने लगातार बॉक्स पोर्टर का काम किया जिसके मीमो प्रदर्श डब्लू. 1 से 29 उसने पेश किये हैं। ये मीमो विपक्षीगण द्वारा जारी किये गये हैं यह विपक्षीगण के गवाह मानते हैं। प्रदर्श डब्लू. 1 मीमो में यह स्पष्ट लिखा है कि श्री पेमाराम बॉक्स पोर्टर स्टेशन अधीक्षक के निर्देशानुसार कार्य कर रहा है। प्रदर्श डब्लू. 2 में यह लिखा है कि उसको रात्रि में बॉक्स पोर्टर नियुक्त किया जाता है। अन्य मीमो भी भिन्न-भिन्न तारीखों को बॉक्स पोर्टर का काम करने का तथ्य अंकित है। प्रदर्श डब्लू. 8 में पेमाराम को बॉक्स पोर्टर लिखा है और यह भी लिखा है कि उसे बॉक्स पोर्टर के पद पर कार्य करना है। प्रदर्श डब्लू. 13 में पेमाराम बॉक्स पोर्टर 29-30/12-95 को ड्यूटी के एस.एस. के आदेश हैं यह अंकित है। यही तथ्य प्रदर्श डब्लू. 14-15-16-17-19 "में भी" अंकित है। प्रदर्श डब्लू. 20 व 21 में भी पेमाराम बॉक्स पोर्टर लिखा है। इस प्रकार पेमाराम बॉक्स पोर्टर के रूप में काम करता था यह तथ्य इन मीमो से पूरी तरह साबित है। उसने लगातार 240 दिन काम नहीं किया इस तथ्य को साबित करने का भार हालांकि प्रार्थी पर था परन्तु इस तथ्य को साबित करने से सम्बन्धित सभी दस्तावेज विपक्षीगण के कब्जे में थे पेमाराम ने अपने शपथपत्र में यह स्पष्ट कहा है कि उसके क्लेम में वर्णित अवधि के लिये बॉक्स पोर्टर के रूप में कार्य करने का भुगतान उसको किया गया जबकि विपक्षीगण यह तो स्वीकार करते हैं कि पेमाराम को बॉक्स पोर्टर का काम करने का भुगतान किया गया था, परन्तु उनके अनुसार उसको जिस-जिस अवधि के लिये कार्य लिया गया उतनी ही अवधि का भुगतान किया गया और वह भुगतान अवैध मानते हुए स्टेशन अधीक्षक के वेतन से री-कवर कर लिया गया। इससे सम्बन्धित जो दस्तावेजों साक्ष्य भी वह विपक्षीगण के कब्जे में भी थी और तत्कालीन स्टेशन अधीक्षक जयसिंह मीणा भी साक्षी के रूप में उपस्थित हुआ है जिसने अपने शपथपत्र में यह नहीं कहा है कि पेमाराम को भुगतान की गयी राशि अवैध मानी और ऐसी कोई राशि उसके वेतन से री-कवर की गयी। उसको लगातार बॉक्स पोर्टर का भुगतान नहीं किया गया यह तथ्य विपक्षीगण प्रार्थी पेमाराम को किये गये भुगतान के दस्तावेज पेश करके साबित कर सकते थे, परन्तु, बावजूद न्यायालय के आदेश के ऐसे दस्तावेज पेश नहीं किये और न ऐसा किया गया भुगतान अवैध

मानकर स्टेशन अधीक्षक के वेतन से री-कवर किया गया ऐसा भी कोई दस्तावेज पेश किया। इस लिये उक्त दस्तावेजात विपक्षीगण के कब्जे में होने के कारण न्यायालय के लिये यह अवधारणा करनी उचित होगी कि यदि ऐसे दस्तावेजात पेश किये जाते तो विपक्षीगण के विरुद्ध होते और इस बिन्दु पर प्रार्थी पेमाराम के शपथपत्र में किये गये कथन अधिक विश्वसनीय प्रतीत होते हैं और मेरी राय में व प्रस्तुत दस्तावेजी साक्ष्य प्रदर्श डब्लू. 1 से 29 से यह साबित होता है कि उपरोक्त अवधि पेमाराम ने बॉक्स पोर्टर के रूप में कार्य किया, प्रदर्श डब्लू. 1 से 29 में कई मीमो में उसका पदनाम भी बॉक्स पोर्टर लिखा हुआ है। पेमाराम द्वारा ऐसा कार्य स्टेशन अधीक्षक के अधीन ए.एस.एम. के निर्देश से किया गया है इसलिये पेमाराम पर उसका निर्देश व नियंत्रण होना व उसके बदले भुगतान होने के कारण पेमाराम व विपक्षीगण के बीच "श्रमिक" एवम् "नियोजक" का सम्बन्ध होना पूरी तरह साबित है। पेमाराम को कोई छंटनी का नोटिस नहीं दिया गया न कोई छंटनी मुआवजा दिया गया ऐसी परिस्थिति में मेरी राय में 16-1-1996 को उसकी जुबानी सेवामुक्ति करना उचित एवम् वैध नहीं है। प्रदर्श एम-1 प्रार्थनापत्र प्रार्थी स्वयं द्वारा पेश करना नहीं मानता है, परन्तु, इस पर अपने हस्ताक्षर होना मानता है। प्रार्थी द्वारा पेश करने मात्र से उसके सेवा पृथक्करण की वैधता पर कोई प्रभाव नहीं पड़ेगा क्योंकि बेरोजगारी की समस्या के कारण यदि प्रार्थी ने पुनः कुली के रोजगार के लिये आवेदन कर भी दिया हो तो इस कारण यह नहीं माना जा सकता कि उसे सेवा पृथक् करना अवैध नहीं था। कुली के हाजरी रजिस्टर की भी प्रतियां जो पेश की गयी हैं व पहले पेश नहीं की गयी और विपक्षीगण ने इस न्यायालय को लिखकर दिया कि उपलब्ध नहीं है और नष्ट कर दिया गया है, उसके पश्चात् वह दस्तावेज अचानक यह कहते हुए पेश कर दिये गये कि यह रिकार्ड में जमा करा दिये गये थे और अब तलाशने पर मिल गये हैं, इसमें पेमाराम के कोई हस्ताक्षर नहीं है और न जिस व्यक्ति ने उसकी उपस्थिति अंकित की उसे पेश किया गया है। इसलिये इन दस्तावेजों को साबित नहीं माना जा सकता। प्रार्थी की ओर से इस मामले में जो न्यायनिर्णय आर.एल.डब्लू. 1989(2) पेज 336-सुनी बनाम म्युनिसिपल बोर्ड सिरोंही पेश किया गया है जिसमें यह स्पष्ट निर्धारित किया गया है कि ऐसे मामले में जहां न तो कोई नियुक्ति आदेश जारी किया जाये ना ही सेवा पृथक्करण का आदेश जारी किया गया हो तो भी सेवापृथक्करण आदेश को छंटनी माना जावेगा और उस पर धारा 25एफ के प्रावधान लागू होंगे। इसमें यह भी निर्धारित किया गया है ऐसा कर्मकार पहले के सारे बकाया वेतन को पाने का अधिकारी होगा। आर.एल.डब्लू. 1989 (2) पेज 291 में भी राजस्थान उच्च न्यायालय ने यह माना है कि "वर्कमैन" की परिभाषा में अंशकालीन कर्मचारी भी शामिल है और उसकी नियुक्ति को खत्म करना छंटनी माना जावेगा। उन्होंने डब्लू.एल.सी. (राज.) यू.सी. 2004 पेज 524 पेश की है जो मेरी राय में इस मामले में कतई लागू नहीं होती है। 2003 सुप्रीम कोर्ट कैसेज (एल.एण्ड एस.) 1170 भी उद्धृत किया है यह न्याय निर्णय भी मेरी राय में प्रार्थी को कोई मदद नहीं करता है। उन्होंने 2003 (4) एल.सी.टी. पेज 333(एस.सी.)--मैसर्स भारत हैवी

इलेक्ट्रीकल लि. बनाम स्टेट ऑफ यू.पी. व अन्य का न्याय-निर्णय भी पेश किया है जिसमें माननीय सर्वोच्च न्यायालय ने यह स्पष्ट निर्धारित किया है कि यदि नियोजक रिकार्ड पेश नहीं करें तो अधिकरण उसके विरुद्ध विपरीत उपधारणा कारित कर सकता है। इसलिये मेरी राय में प्रार्थी के द्वारा विपक्षीगण द्वारा अपने कब्जे के दस्तावेज पेश नहीं करने के कारण 240 दिन लगातार कार्य करने का जो निष्कर्ष निकाला गया है, मेरे इस मत की पुष्टि इस उपरोक्त न्याय-निर्णय से होती है। प्रार्थी के द्वारा उक्त विवाद सेवा समाप्ति के काफी बाद उठाया गया है, केवल मात्र इस आधार पर उसकी सेवामुक्ति को अवैध नहीं माना जावे ऐसा कोई सिद्धान्त नहीं है। हां यह अवश्य है कि इस अवधि के लिये प्रार्थी को अनुतोष में किसी अंश तक बैंक बचत जमा दिलाया जावेगा, इस बिन्दु पर विचार करते समय इस देरी को ध्यान में रखा जावेगा।

12. ऊपर की गई विवेचना के आधार पर प्रार्थी श्रमिक पेमाराम को उसके नियोजक प्रबन्धन, उत्तर रेलवे बीकानेर मण्डल, बीकानेर द्वारा दिनांक 16-1-96 से सेवामुक्ति किया जाना न्यायसंगत नहीं है एवम् अनुचित व अवैध है। परिणामस्वरूप वह विपक्षीगण के नियोजन में सेवामुक्ति दिनांक से सेवा की निरन्तरता मानते हुए आज तक के सभी सेवालाभ उसे नोशनल रूप से दिये जाने उचित हैं और सेवामुक्ति दिनांक 16-1-96 से आज निर्णय दिनांक के बीच की इस अवधि के लिये पिछले वेतन के रूप से वह एकमुश्त रूप से 40,000 रु. ही प्राप्त करने का अधिकारी होगा एवम् आज निर्णय दिनांक से बॉक्स पोर्टर के रूप में सभी देय लाभ व पूरा वेतन नियमानुसार पाने का अधिकारी है।

13. अतः भारत सरकार के श्रम मंत्रालय द्वारा प्रेषित इस प्रसंग को उत्तरित करते हुए यह पंचाट इस प्रकार से पारित किया जाता है कि :

(1) प्रार्थी श्रमिक पेमाराम पुत्र घासीराम बॉक्स पोर्टर को उसके नियोजक प्रबन्धन, उत्तर रेलवे बीकानेर मण्डल, बीकानेर (पुनः पदनामित उत्तर-पश्चिमी रेलवे) के द्वारा 16-1-96 से सेवामुक्ति किया जाना न्यायसंगत नहीं है एवम् अनुचित व अवैध है। परिणामस्वरूप वह विपक्षीगण के नियोजन में सेवामुक्ति दिनांक से निरन्तरता के साथ आज तक देय सभी लाभ नोशनल रूप से पाने का अधिकारी है।

(2) प्रार्थी श्रमिक पेमाराम सेवामुक्ति दिनांक 16-1-96 से आज निर्णय दिनांक के बीच की इस अवधि के लिये पिछले वेतन के रूप में वह एकमुश्त रूप से 40000 रु. ही प्राप्त करने का अधिकारी होगा एवम् आज निर्णय दिनांक से बॉक्स पोर्टर के रूप में देय सभी लाभ व पूरा वेतन नियमानुसार पाने का अधिकारी है।

उक्त पंचाट प्रकाशनार्थ औद्योगिक विवाद अधिनियम की धारा 17(1) के अन्तर्गत भारत सरकार को भेजा जावे।

14. आज दिनांक 12-1-2010 को विवृत न्यायालय में सुनाई गई।

हरी कुमार गोदारा, पीठासीन अधिकारी

नई दिल्ली, 13 अप्रैल, 2010

का. आ. 1164.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेन्ट्रल रेलवे के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण लखनऊ के पंचाट (संदर्भ संख्या 122/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-4-2010 को प्राप्त हुआ था।

[सं. एल-41011/14/2002-आईआर(बी-1)]

सुरेंद्र सिंह, डेस्क अधिकारी

New Delhi, the 13th April, 2010

S. O. 1164.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 122/2002) of the Central Government Industrial Tribunal-cum-Labour Court, Lucknow as shown in the Annexure in the Industrial Dispute between the management of Central Railway and their workmen, received by the Central Government on 13-4-2010.

[No. L-41011/14/2002-IR(B-1)]

SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, LUCKNOW

PRESENT

N. K. Purohit
Presiding Officer

I.D. No. 122/2002

Ref. No. L-41011/14/2002-IR(B-1) dated : 10-7-2002

Between

Sri Surendar Singh, President
Rashtriya Chaturth Shreni Rail Mazdoor Congress
(INTUC) 68, Sector-16, Sikandara,
Agra-7

AND

The Chief Workshop Manager,
Central Railway
Jhansi-284002

AWARD

29-03-2010

1. By order No. L-41011/14/2002-IR(B-1) dated: 10-07-2002 the Central Government in the Ministry of Labour, New Delhi in exercise of powers conferred by clause (d) of sub section (1) and sub section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) referred this industrial dispute between Sri Surendar Singh, President, Rashtriya Chaturth Shreni Rail Mazdoor Congress (INTUC)

68, Sector-16, Sikandara, Agra-7 and the Chief Workshop Manager, Central Railway, Jhansi-284002 for adjudication.

2. The terms of reference under adjudication are as under :

"क्या उप मुख्य यांत्रिक इंजीनियर(आर), सेन्ट्रल रेलवे, झाँसी द्वारा श्री कैलाश आत्मज श्री देवी दास की सेवा समाप्ति संबंधित रिवीजन याचिका को निरस्त करने का आदेश दिनांक 18-10-2001 एवं प्रीतम सिंह, श्री अमर सिंह सहायक की सेवा समाप्ति संबंधित रिवीजन याचिका को निरस्त करने का आदेश दिनांक 19-09-2001 न्यायौचित है ? यदि नहीं, तो कर्मकार किस अनुतोष के हकदार है ?"

3. In brief the case of the union is that the workman Sri Pritam Singh, Kailash and Rakesh Rao were working under the employer as Helper/Khalasi and during their service period they had acquired temporary status. They were charge sheeted for seeking appointment on the basis of alleged fake and bogus testimonials. Sh. Pritam Singh and Kailash were dismissed on 12-4-2001 and 26-9-2000 respectively. The appeal and revision petition filed against the dismissal order were also rejected.

4. The union has alleged that the enquiry proceedings were not carried out according to provision of Railway Servant Disciplinary & Appeal Rule 1968. No sufficient opportunity to defend on account of dismissal was provided. The revision petition were also dismissed without hearing. The union has further alleged that enquiry was done by vigilance organization and on the basis of their report workmen have been dismissed. The vigilance report was in violation of Railway Board circular dated 30-7-2001 wherein direction have been given that there are clear instructions of Government of India, Ministry of Railway (Railway Board) dated 30-7-2001 that to suggest punishment is not the work of vigilance therefore, the union has prayed since impugned orders passed in revision petition are unjustified the workman be reinstated with full back wages and other consequential benefits.

5. In rejoinder the union has only reiterated averments made in the statement of claim and not introduce any new fact.

6. The railway administration in its written statement has refuted the claim of the workmen. It has been contended that the workmen have never been bonafide employees therefore, the question of their obtaining any status must less temporary status did never arise nor it could. The revision petitions have rightly been dismissed by the Competent Divisional Authority after considering all the aspects. The enquiry was conducted after following the principle of natural justice and as per relevant rules. It has been further contended that neither claim is tenable nor reference is maintainable, therefore, claim be rejected.

7. Vide order dated 14-04-2003 following issues were framed :

1. क्या कैलाश व प्रीतम सिंह रेलवे के वैध नियुक्त कर्मचारी थे ? जैसा कि राष्ट्रीय चतुर्थ रेल कांग्रेस, आगरा का कथन है ।
2. क्या कैलाश व प्रीतम सिंह को सुनवाई का अवसर दिए बिना, न्याय के नैसर्गिक सिद्धांतों का अनुपालन किए बिना सेवा से पृथक कर दिया गया ? जैसा कि उक्त मजदूर संघ आई एन.टी.यू.सी. का कथन है ।
3. क्या कर्मचारियों की निगरानी को सुनवाई का अवसर दिए बिना निरस्त कर दिया गया ?
4. क्या सर्तकता अधिष्ठान द्वारा विशिष्ट दण्ड प्रस्तावित किया गया ? यदि हाँ, तो प्रभाव ?
5. क्या दावेदार कोई अनुतोष पाने का अधिकारी है ?

8. The union has examined workmen Pritam Singh and Kailash and railway management had examined Sh. B.K. Agarwal in support of their respective cases. The parties have also filed documentary evidence in support of their respective cases.

9. Heard the submissions of both the sides and perused the relevant record.

10. It is pertinent to mention that the union in its claim has espousing the case of Rakesh Rao workman also but there is no reference in respect of him.

11. During oral submissions learned representative of both the sides have confirmed their arguments only on the issues no. 3 and 4 other issues have not been pressed. The learned representative on behalf of the union has questioned the validity of impugned orders of revision petition dated 18-10-2001 and 19-09-2001 merely on the ground that opportunity of personal hearing was not given. Secondly vigilance organization was not empowered to suggest any punishment as per directions of Ministry of Railway vide circular dated 30-7-2001, therefore, impugned orders being in violation of principle of natural justice be set aside. In support of its contention he has also placed reliance on following case laws :

1. 2005 SCC (L&S) 765 Chief Engineer, MSEB Vs S.R. Bhokare
2. 2006 SCC (L&S) 167 Hari Ram Vs Union of India & others.
3. 2009 (1) SCC (L&S) 394 Union of India Vs P.T. Tandon

12. Per contra, the learned representative on behalf of the railway administration has submitted that revisions are always on the point of law and it is not necessary at all for the Revisional Authority to afford personal hearing to the revisionist until and unless he chooses to enhance,

impose fresh or alter the penalty and punishment against the Revisionist. The railway have their own Rules known as DAR Rules and enquiry has been conducted following the principle of natural justice. The impugned orders suffers with no illegally or irregularity. He has also placed reliance on following case laws :

1. AIR 2005-SC 1993 Mahindra and Mahindra Ltd. Vs. N. B. Naravade etc.
2. 2006 (1) SCCD 347 (SC) Ram Saran Vs I.G. of Police, CRPF and others.
3. AIR 2007 SC 2048 AG (HR) BHEL Ltd. Vs. S.R. Burde.

13. I have given my thoughtful consideration on the rival submissions made by both the sides.

14. In pleadings as well as written statement apart from challenging the validity of impugned orders of the Revisionist Authority it has been alleged that enquiry was conducted without afforded opportunity to cross examine the management witness and it was not carried out according to provision of Railway Service & Disciplinary & Appeal Rules, 1968 but the workmen Pritam Singh as well as Kailash both have only alleged in their statement on oath that while deciding their revision no opportunity of personal hearing was afforded whereas management witness Sh. B.K. Agarwal has stated that both as well as revision filed by the workmen were dismissed as per law.

15. Rule 25 of Rules 1968 is pertaining to revision which empowered the Revisioning Authority to confirm or modified or set aside the order or confirmed, reduce, enhance or set aside the penalty or to impose where no penalty has been imposed. It further envisages that Revisioning Authority may remit the case to the authority which make the order and passed the such as may be deemed fit the provision of the rule A & B of the said Rule are as under :

- (a) no order imposing or enhancing any penalty shall be made by any revising authority unless the Railway servant concerned has been given a reasonable opportunity of making a representation against the penalty proposed;
- (b) subject to the provisions of Rule 14, where it is proposed to impose any of the penalties specified in Clauses (v) to (ix) of Rule 6 or the penalty specified in Clause (iv) of Rule 6 which falls within the scope of the provisions contained in sub-rule (2) of Rule 11 or to enhance the penalty imposed by the order under revision to any of the penalties specified in this sub-clause, no such penalty shall be imposed except after following the procedure for inquiry in the manner laid down in rule 9, unless such inquiry has already been held, and also except after consultation with the Commission, where such consultation is necessary.

16. As per sub rule 3 of the said rule application for revision shall be dealt with in the same manner as if it were appeal in these rules. There is no mandatory provision under the said rules to afford personal hearing to the revisionist where he did not choose to enhance imposed fresh or alter the penalty and punishment against the revisionist. The union has not shown illegality or judicial error in the orders passed in revision. The facts of the case law which has been referred by the learned representative are distinguishable and they are not relevant on this point whether it was imperative on the part of the Revisioning Authority to afford opportunity of personal hearing. Moreover, upon perusal of the revision petitions submitted by the workmen they have also not prayed that opportunity of personal hearing be given to them before deciding their revision petition. Upon perusal of the impugned order it is also evident that Revisioning Authority has passed speaking order and also considered the contention raised by the revisionist against the appellate order, therefore, the contention of the learned representative on behalf of the union that impugned orders have been passed in violation of principle of natural justice is not tenable.

17. The learned representative has referred the Ministry of Railway (Railway Board) instructions dated 30-7-2001 (26/2) wherein following instructions have been given;

The General Manager (P)
All Indian Railways etc.

Sub: Revision of penalties under RS (D&A) Rules 1968.

One of the points raised for discussion in the last PNM/NFIR meeting is that, in some of the cases where the Vigilance Organization forward a disciplinary case to the Revising Authority for consideration of revision of the penalty imposed of the charged official a specific penalty that should be awarded is also suggested.

The Board have examined the matter in the context of above and it is clarified that disciplinary proceedings being quasi-judicial it will not be proper to suggest any specific penalty to Revisionary Authority by any other Authority.

This may be brought to the notice of all concerned for compliance.

Sd/-

(V. Vaidehi), Joint Director, Establishment [(D&A) I]
Railway Board

18. The learned representative has particularly agreed that to suggest punishment is not the work of Vigilance since in the present case vigilance organization has suggested the punishment to the Revisioning Authority, therefore all proceedings are vitiated.

19. In the light of the above submission I have perused the relevant record. Indisputably the enquiry against Pritam Singh and Kailash was conducted by Sh. S. S. Kuddo and Sh. P. Y. Desai respectively who were officers in the vigilance organization this fact has been admitted by the management witness Sh. B. K. Agarwal. The enquiry was conducted under Rule 1968. The enquiry officers found the charges levelled against the workmen as proved. In enquiry report no punishment was suggested to the disciplinary authority who have passed the order of dismissal. Admittedly, appeals filed against the punishment orders of the disciplinary authority but the same were dismissed subsequently. Revision petitions were filed against the orders of dismissal of appeals filed by the workmen. In the present matter it is not evident for the record that any punishment was suggested by the vigilance organization to the Revisionary Authority. Punishment of dismissal was passed by the disciplinary authority on the basis of enquiry report therefore, the contention of the learned representative of the union in this regard is not sustainable.

20. In view of the above discussions there is no illegality or infirmity in the impugned orders dated 18-10-2001 and 19-09-2001 passed by Revisionary Authority. Resultantly, the workmen are not entitled for any relief. The reference under adjudication is answered accordingly.

21. Award as above.

LUCKNOW 2-3-2010

N. K. PUROHIT, Presiding Officer

नई दिल्ली, 13 अप्रैल, 2010

का. आ. 1165.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार रिजर्व बैंक ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नागपुर के पंचाट (संदर्भ संख्या 115/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-4-2010 को प्राप्त हुआ था।

[सं. एल-12011/6/93-आई आर(बी-1)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 13th April, 2010

S. O. 1165.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 115/2004) of the Central Government Industrial Tribunal-Cum-Labour Court, Nagpur as shown in the Annexure in the

Industrial Dispute between the management of Reserve Bank of India and their workmen, received by the Central Government on 13-04-2010.

[No. L-12011/6/93-IR(B-I)]

SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE SHRI A. N. YADAV, PRESIDING OFFICER, CGIT-CUM-LABOUR COURT, NAGPUR

Case No. CGIT/NGP/115/2004 Dated: 26-3-2010

Petitioner/Party No. 1

**The General Secretary,
Reserve Bank Employees
Association, BMS Office, Mandir
Marg, Sitabuldi, Nagpur-440012.**

Versus

Respondent/Party No. 2

**The Regional Director,
Reserve Bank of India,
Post Box No. 15, Nagpur-440001.**

AWARD

(Dated: 26th March, 2010)

1. The Central Government after satisfying the existence of dispute between the General Secretary, Reserve Bank Employees Association, Sitabuldi, Nagpur (Party No. 1) and the Regional Director, Reserve Bank of India, Nagpur (Party No. 2) referred the same for adjudication to this Tribunal vide its letter No. L-12011/6/93-IR(B-I) dated 9-6-1993 under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of Industrial Dispute Act, 1947 [14 of 1947] with the following schedule.

2. Whether the action of the management of Reserve Bank of India, Nagpur in deducting membership subscription for the period from April, 1992 to September, 1992 from the salary of S/Shri G. S. Malik and A. S. Puranik, Coin Note Examiners Grade-II, in the absence of authorization from the workmen for deduction of membership subscription and crediting the same in the account of Reserve Bank of India Employees Association is legal and justified? If not, to what relief the workmen are entitled to?"

3. The case was fixed for argument of the respondent and when the case is ceased for award, both the parties settled the claim of employees and it has filed pursis dated 18-7-2006 with a request to close the case. Though the settlement arrived at on 25-5-2006, it has been filed in the Court on 18-11-2009. Initially the Assistant General

Manager filed an application on 16-11-2009 and requested to close the case that the Bank has returned membership subscription to the RBEA. However, they were informed to file the copy of the settlement under the signature of both the parties. Accordingly the parties filed above pursis that they agreed as per their application and do not want to proceed with the case. However, they have requested to pass the Award as per their joint agreement. Accordingly, parties are allowed to withdraw the case as they have settled the matter with the certain conditions as under and award passed as per their joint application dated 18-7-2006.

Terms and conditions:

(i) The Bank will hereafter discontinue recovery of an employee's membership subscription of the trade union concerned from his salary from the month following the month in which the employee gives an application/letter for discontinuation of his membership of the trade union concerned.

(ii) However, in the captioned case, as agreed by Secretary, Reserve Bank Employees' Association, Nagpur, the management of the Reserve Bank of India, Nagpur has refunded the membership subscription of Reserve Bank of India Employees' Association recovered from S/Shri G. S. Malik and Shri A. S. Puranik for the period from April to September, 1992, at the rate of Rs.2 (Rupees two only) per month. The Secretary of Reserve Bank Employees' Association has accepted the payment by Payment Order No. 114195 dated July 13, 2006 for Rs.24 (Rupees twenty four only), being refund amount on behalf of the two above named employees.

Dated : 26-03-2010.

A. N. YADAV, Presiding Officer

नई दिल्ली, 19 अप्रैल, 2010

का. आ. 1166.—राष्ट्रपति, श्री शिवाबसप्पा नीलप्पा नवलगुंड को 22-3-2010 से केन्द्रीय सरकार औद्योगिक न्यायधीकरण-सह-श्रम न्यायलय, बँगलोर, के पीठासीन अधिकारी के रूप में 65 वर्ष की आयु पूरी होने अर्थात् 9-5-2015 तक अथवा अगले आदेशों तक जो भी पहले हो, नियुक्त करती है।

[सं. ए-11016/2/2009-सीएलएस-II]

पी. के. ताम्रकर, अवर सचिव

New Delhi, the 19th April, 2010

S. O. 1166.—The president is pleased to appoint Shri Shivabasappa Neelappa Navalgund as Presiding Officer of the Central Government Industrial Tribunal-cum-Labour Court, Bangalore w.e.f. 22-3-2010 till he attains the age 65 years i.e. upto 9-5-2015 or until further orders, whichever is earlier.

[No. A-11016/2/2009-CLS-II]

P. K. TAMRAKAR, Under Secy.